

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 12, 2005
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Gray, Martz, Schlapp, Skelton; present. Council Member Fearey absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Judy Press, Mid-Kansas Jewish Federation, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the June 28, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamation Americans with Disabilities Act Recognition Week-Jeanne Goodvin and group.

Mayor Mayans read aloud the Proclamation.

Award Kansas Society of Professional Engineers-Engineer of the Year Award.-Jerry Blain and Tim Austin.

Mayor Mayans presented Jerry Blain with an award.

PUBLIC AGENDA

Mark Gietzen Mark S. Gietzen-Bridge Construction Project At 55th Street South near Mosley, which caused damage to his home in 2000.

(Mr. Gietzen was not present)

Alex Lingg Alex Lingg, Manager of Wichita Garden Show-Concerns about the Manager's proposal to privatize management of Century II and to present a proposal relating to future management and operations of Century II.

Ms. Lingg Ms. Lingg stated that she is the manager of the Wichita Garden Show and that she is here today to represent the 80 plus show promoters and organizers of consumer shows and other events held at Century II. Stated that the users of Century II have organized a coalition called Century II Stakeholders, to address issues involving the management and operation of Century II but more specifically to address the City Manager's proposal to privatize the management of Century II. Stated that privatization means that current city-employed staff would be replaced by an out-of-town management company. Stated that the Century II Stakeholders believe that there is a solution to the privatization issue and recommend the following three-part plan: 1). The City should appoint a coalition of Century II users and others to recommend management and operation policies, philosophies and procedures that will be a guide for present and long term use of Century II. Stated that many show exhibitors state that over half to 80% of their yearly revenue is generated from local shows. Stated that in 2011, Century II was given to the National Bowling Congress rent free for six months, along with \$2 million dollar incentive for awards because it is expected that the Bowling Congress will bring \$150 million to Wichita. Stated that the horticultural and housing industries, represented by the Wichita

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 23

Garden Show and the Wichita Area Builders Association Home Show are Century II's two largest shows, which brings in excess of \$600 million to Wichita's economy each year. Stated that these two shows and others have no place to hold a show in 2011 because the Bowling Congress was given priority use of Century II even though they are the long-standing clients of the City; 2). Century II and other cultural community facilities need to be placed under the administration of a new department, such as a cultural facilities department and 3). The City needs to adopt an attitude to keep the money in the community wherever and whenever possible. Stated that there are several management companies, including Sedgwick County that are interested in taking over Century II's management and the fact that so many are interested in taking over Century II compels her to believe that Century II is a jewel that the City needs to hold onto and manage the facility itself.

CONSENT AGENDA

Council Member Skelton Council Member Skelton requested that item 13 be pulled for discussion.

Council Member Brewer Council Member Brewer requested that item 14 be pulled for discussion.

Motion-- Mayor Mayans moved that the Consent Agenda be approved as presented except for items 13 and 14.
--carried Motion carried 6 to 0, (Fearey absent).

BOARD OF BIDS

REPORTS OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 1 AND JULY 11, 2005.

Bids were opened July 1 and July 8, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (448-90079/735254/470925) Does not effect existing traffic. (District V)

WBW Contractors - \$55,955.00

Lateral 2, Main 6 Northwest Interceptor Sewer to serve Fox Ridge Addition (north of 29th Street North, west of Tyler) (468-84021/744123/480811) Does not effect existing traffic. (District V)

McCullough Excavation - \$107,900.00

Wichita Waterwalk Public Improvements Phase 1A - Street Lighting, Sidewalk and Landscaping (north of Kellogg, east of Arkansas River) (472-84134/792424/792422/ 435352) Area to be closed to through traffic. (District I)

Key Construction - \$735,133.15 (Corrected total)

21st Street North Right-of-Way Restoration - between 119th Street West and 135th Street West. (468-84049/622097/675129) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Seeders, Inc. - \$16,184.00

Lateral 375 Four Mile Creek Sewer to serve Maple Shade Addition - north of Pawnee, east of Webb. (468-83994/744130/480818) Does not affect existing traffic. (District II)

Wilks Underground - \$47,377.00

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 24

Water Distribution System to serve Maple Shade Addition - north of Pawnee, east of Webb. (448-90070/735263/470934) Does not affect existing traffic. (District II)

Central Innovative Plumbing - \$33,715.00

Water Distribution System to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (448-90029/735232/470903) Does not affect existing traffic. (District V)

Wilks Underground - \$61,439.00

Palmetto Circle, Phase 3, from the west line of Lake Ridge and including the cul-de-sac to serve Avalon Park Addition - north of 37th Street North, east of Maize. (472-83837/765931/490044) Does not affect existing traffic; Palmetto, Phase 4, from the south line of Lot 27, Block 4, to the north line of Lot 6, Block 3; Havenhurst from the east line of Palmetto to the east line of Lot 1, Block 3; Sidewalk to be installed along the east line of Palmetto to serve Avalon Park Addition - north of 37th Street North, east of Maize. (472-83838/765932/490045) Does not affect existing traffic; AND Palmetto, Phase 5, from the east line of Lake Ridge to the north line of Lot 3, Block 3; Sidewalk to be installed along the west line of Cranbrook to serve Avalon Park Addition - north of 37th Street North, east of Maize. (472-83839/765933 /490046) Does not affect existing traffic. (District V)

Ritchie Paving - \$220,315.50 (Total aggregate bid)

Water Distribution System to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (448-90030/735233/470904) Does not affect existing traffic. (District V)

Wilks Underground - \$57,784.14

2005 Contract Maintenance Bridge Deck Resurfacing: Maize Bridge from north of Maple to south of Central, and Hydraulic Bridge north of 39th Street North to south of I-254 - north of Maple, east of Maize. (472-84163/132718).

Dondlinger and Sons - \$250,000.00*

*Rescind award of 06-28-05; Award at Engineer's estimate.

HOUSING & COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION: Façade Modifications at Various Sites.

S & A Construction - \$28,503.00 (Group 1 total net bid)
\$55,140.00 (Group 2 total net bid)
\$50,354.00 (Group 3 total net bid)
\$34,742.00 (Group 4 total net bid)

VARIOUS DEPARTMENTS/VARIOUS DIVISIONS: Fuel (Lead Free and Diesel #1/#2).

Parker Oil Co., Inc. - \$0.0695* (Mark up per gallon)

*Estimate – Contract approved on unit cost basis.

Motion--

--carried

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 6 to 0; (Fearey absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 25

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--carried

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
James Brown	Conoco Cmart #600	433 South Greenwich
Mike Hoffmann	Kwik Shop #714	4811 South Seneca
Mike Hoffmann	Kwik Shop #716	2424 West 37 th Street North
Mike Hoffmann	Kwik Shop #722	3959 South Hydraulic
Mike Hoffmann	Kwik Shop #731	710 West 29 th Street North
Mike Hoffmann	Kwik Shop #748	2809 East Douglas
Mike Hoffmann	Kwik Shop #772	2750 South Oliver

<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Robby McQuiston	Tropic's Lounge*	2705 North Broadway
Muhammad Choudry	Suknain L.L.C.	223 East 21 st Street

Special Events

	<u>July 17, 2005</u>	
Joseph Schlimm	American Red Cross Ride for the Red: Delano District	Sycamore and Douglas Streets
	<u>July 30, 2005</u>	
David Dewey	Old Cowtown Museum	1870 Sims Park Drive

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried 6 to 0, (Fearey absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 26

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Lateral 1 Main 10 Northwest Interceptor Sewer to serve Northwest YMCA Addition - north of 21st Street North, west of 135th Street West. (468-83957/744111/480799) Traffic to be maintained during construction using barricades and flagpersons. (District V) - \$70,000
- b) 8 Inch Water Line to serve Northwest YMCA Addition - north of 21st Street North, west of 135th Street West. (448-90044/735244/470915) Traffic to be maintained during construction using barricades and flagpersons. (District V) - \$86,000
- c) 24 Inch Water Line to serve Northwest YMCA Addition - north of 21st Street North, west of 135th Street West. (448-90043/735243/470914) Traffic to be maintained during construction using barricades and flagpersons. (District V) - \$384,000
- d) Storm Water Sewer #617 to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-84029/751404/485295) Does not affect existing traffic. (District II) - \$118,440
- e) Water Distribution System to serve Shadow Woods Addition - north of Maple, west of 135th Street West. (448-89793/735255/470926) Does not affect existing traffic. (District V) - \$86,000
- f) 2005 Contract Maintenance Bridge Deck Resurfacing: Maize Bridge from north of Maple to south of Central, and Hydraulic Bridge north of 39th Street North to south of I-254 - north of Maple, east of Maize. (472-84163/132718/) Traffic to be maintained on Maize Bridge, and closed on Hydraulic Bridge. (Districts V, VI) - \$250,000
- g) 45th Street South from the west line of Lulu to the west line of Hydraulic to serve South Hydraulic Park Addition - north of 47th Street South, west of Hydraulic. (472-83909/765893/490006) Closed to thru traffic. (District III) - \$266,000
- h) Lulu from the north line of 45th Street South to the south line of 44th Street South to serve South Hydraulic Park Addition - north of 47th Street South, west of Hydraulic. (472-83910/765892/490005) Closed to thru traffic. (District III) - \$125,000
- i) Auburn Hills from the south line of Lot 49, block B, north to the south line of Lot 42, Block B; Auburn Hills Court from the north line of Auburn Hills to and including the cul-de-sac, Lots 10 through 13, Block D; Auburn Hills Court from the south line of Auburn Hills to and including the cul-de-sac, Lots 42 through 50, Block B, and Sidewalk along one side of Auburn Hills to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (472-83931/765925/490038) Does not affect existing traffic. (District V) - \$244,000
- j) Monterey from the west line of Lot 37, Block B, north to the south line of Lot 19, Block B; Ocala from the south line of Lot 19, Block B, north to the west line of Lot 19, Block B, north to the west line of Monterey; and Sidewalk along one side of Monterey and Ocala to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (472-84145/765928/490041) Does not affect existing traffic. (District V) - \$181,000
- k) Auburn Hills, from the south line of Lot 49, Block B, south to the south line of the Plat to serve Auburn Hills 15th Addition - north of Kellogg, west of 135th Street West. (472-84146/765926/490039) Does not affect existing traffic. (District V) - \$49,000
- l) Firefly Drive and Azure Lane from the south line of 13th Street North, south to and including the cul-de-sacs to serve Whistling Walk Estates Addition - south of 13th Street North, west of 119th Street West. (472-84111/765912/490025) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$625,000

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 27

- m) Lateral 6, Main 4 Northwest Interceptor Sewer to serve Whistling Walk Estates Addition - south of 13th Street North, west of 119th Street West. (468-84005/744124/480812) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$211,000
- n) Water Distribution System to serve Whistling Walk Estates Addition - south of 13th Street North, west of 119th Street West. (448-90071/735256/470927) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$189,000
- o) Main 5 Interceptor, Pump Station and Force Main to serve Whistling Walk Estates Addition - south of 13th Street North, west of 119th Street West. (468-84039/624062/651004) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$1,600,000
- p) The cost of Facade Improvement Program at 101 South Market - E. 3.6 Ft. Lot 109 & all Lot 111 & Surplus adj. Douglas Ave. Reserve in Greiffinstein's Addition. (District I). (472-83932/766010/491-011) – Total Estimated Cost \$80,043
- q) The cost of construction of Main 4, Northwest Interceptor Sewer; Whistling Walk Estates 2nd, 3rd, and 4th Additions - south of 13th, west of 119th Street West. (District V) (468-84006/744125/480-813 – Total Estimated Cost \$102,575

Motion--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Fearey absent).

STMNTS/COSTS

STATEMENTS OF COST:

- a) Improving Driftwood from Meridian Avenue to Blue Harbor; Driftwood Court and Captiva from Driftwood to Harbor Isle 3rd Addition to serve Harbor Isle 3rd Addition (east of Meridian, south of 53rd Street North). Total Cost - \$585,256.19 (plus idle fund interest - \$2,973.66, plus temporary note interest - \$12,339.15). Financing to be issued at this time - \$600,569.00. (765842/472-83237/490-953).
- b) Improving 44th Street South, Flora, Doris, Flora Ct., and Doris Ct. to serve Gray's 5th Addition (north of 47th Street South, east of Hoover). Total Cost - \$376,332.75 (plus idle fund interest - \$4,574.93, plus temporary note interest - \$2,128.32). Financing to be issued at this time - \$383,036.00. (765902/472-83553/490-015).
- c) Improving 127th Street East from Boxthorn to The Fairmont Addition to serve The Fairmont Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$114,508.39 (plus idle fund interest - \$607.88, plus temporary note interest - \$2,234.73). Financing to be issued at this time - \$117,351.00. (765872/472-83614/490-983).
- d) Improving Ridge Port, Conrey, Hazelwood, Brookview, Ridge Port Ct., and Brookview Circle to serve Ridge Port North 5th Addition (south of 37th Street North, east of Ridge). Total Cost - \$572,964.18 (plus idle fund interest - \$3,919.29 plus temporary note interest - \$11,386.53). Financing to be issued at this time - \$588,270.00. (765853/472-83649/490-964).
- e) Improving Ponderosa, Alderny, Aksarben, Alderny Court, and Ponderosa Court to serve Copper Gate Estates Addition (south of 13th Street North, west of 135th Street West). Total Cost - \$221,226.22 (plus idle fund interest - \$1,156.32, plus temporary note interest - \$4,469.46). Financing to be issued at this time - \$226,852.00. (765857/472-83670/490-968).
- f) Improving Sunnybrook Court from the north line of Sunnybrook to and including cul-de-sac to fund interest - \$1,137.10, plus temporary note interest - \$0). Financing to be issued at this time - \$67,638.00. (765880/472-83674/490-991).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 28

- g) Improving Waterfront Parkway from the north line of 13th Street to the east line of Webb Road and Waterfront Phase II Landscaping and Irrigation to serve The Waterfront, Second, Third, Fourth, and Fifth Additions and Unplatted Tracts (north of 13th Street North, east of Webb Road). Total Cost - \$1,671,278.01 (plus idle fund interest - \$8,409.09, plus temporary note interest - \$50,399.90). Financing to be issued at this time - \$1,730,087.00. (765780/472-83688/490-891).
- h) Improving Left and Right Turn Lanes on 13th Street North to serve The Waterfront Addition and adjacent tracts including the relocation and burying of existing electrical transmission lines (east of Webb Road, north of 13th Street North). Total Cost - \$399,415.42 (plus idle fund interest - \$1,248.59, plus temporary note interest - \$11,273.99). Financing to be issued at this time - \$411,938.00. (765798/472-83699/490-909).
- i) Improving Left and Right Turn Lanes on Webb Road to serve The Waterfront Addition and adjacent tracts (north of 13th Street North, east of Webb Road). Total Cost - \$370,212.86 (plus idle fund interest - \$1,173.88, plus temporary note interest - \$10,194.26). Financing to be issued at this time - \$381,581.00. (765799/472-83700/490-910).
- j) Improving Traffic Signalization at the intersection of Waterfront Parkway and 13th Street North to serve The Waterfront Addition (north of 13th Street North, east of Webb Road). Total Cost - \$86,514.90 (plus idle fund interest - \$344.51, plus temporary note interest - \$2,297.59). Financing to be issued at this time - \$89,157.00. (765819/472-83701/490-930).
- k) Improving Traffic Signalization at the intersection of Waterfront Parkway and Webb Road to serve The Waterfront Addition and unplatted tract (north of 13th Street North, east of Webb Road). Total Cost - \$83,058.22 (plus idle fund interest - \$306.84, plus temporary note interest - \$2,217.94). Financing to be issued at this time - \$85,583.00. (765820/472-83702/490-931).
- l) Improving Peckham, Peckham Circle, and Peckham Court to serve Reed's Cove Addition (south of 21st, east of 127th Street East). Total Cost - \$234,008.33 (plus idle fund interest - \$1,419.39, plus temporary note interest - \$4,682.28). Financing to be issued at this time - \$240,110.00. (765874/472-83762/490-985).
- m) Improving Hardtner, Hardtner Court to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West). Total Cost - \$226,605.56 (plus idle fund interest - \$1,327.57, plus temporary note interest - \$4,575.87). Financing to be issued at this time - \$232,509.00. (765854/472-83778/490-965).
- n) Improving Silver Hollow/Brush Creek, Silver Hollow Court, and Brush Creek Circle to serve Fox Ridge Addition (north of 29th Street North, between Maize and Tyler). Total Cost - \$232,764.30 (plus idle fund interest - \$1,604.29, plus temporary note interest - \$4,915.41). Financing to be issued at this time - \$239,284.00. (765861/472-83788/490-972).
- o) Improving 35th Street South and 35th Street South Court to serve Harvest Ridge Addition (south of 31st Street South, west of Maize). Total Cost - \$400,442.97 (plus idle fund interest - \$2,451.40, plus temporary note interest - \$8,562.63). Financing to be issued at this time - \$411,457.00. (765856/472-83804/490-967).
- p) Improving Street Lighting System in Waterfront Parkway from the north line of 13th Street North to the east line of Webb Road to serve The Waterfront, 2nd, 3rd, 4th and 5th Additions and unplatted tracts (north of 13th Street North, east of Webb Road). Total Cost - \$83,507.87 (plus idle fund interest - \$384.18, plus temporary note interest - \$2,202.95). Financing to be issued at this time - \$86,095.00. (765809/472-83808/490-920).
- q) Improving Paddock Green Circle to serve Brighton Courts Addition (south of 21st Street North, west of Webb Road). Total Cost - \$142,840.64 (plus idle fund interest - \$660.92, plus temporary note interest - \$3,083.44). Financing to be issued at this time - \$146,585.00. (765825/472-83816/490-936).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 29

- r) Improving Rosemont, Rosemont Courts, and Mainsgate Circle to serve Hawthorne 2nd and 3rd Additions (north of 21st Street North, east of 127th Street East). Total Cost - \$217,778.00 (plus idle fund interest - \$1,304.70, plus temporary note interest - \$4,573.30). Financing to be issued at this time - \$223,656.00. (765827/472-83828/490-938).
- s) Improving Lake Ridge, Lake Ridge Court and Havenhurst Circle to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$327,761.29 (plus idle fund interest - \$1,980.60, plus temporary note interest - \$7,231.11). Financing to be issued at this time - \$336,973.00. (765840/472-83835/490-951).
- t) Improving Lake Ridge, Lake Ridge Court, and Havenhurst to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$270,289.00 (plus idle fund interest - \$1,467.16, plus temporary note interest - \$5,113.85). Financing to be issued at this time - \$276,870.00. (765886/472-83836/490-997).
- u) Improving Façade Improvement Program at 809, 811, and 815 West Douglas (south of Douglas, west of McLean). Total Cost - \$116,518.94 (plus idle fund interest - \$546.79, plus temporary note interest - \$3,186.27). Financing to be issued at this time - \$120,252.00. (766007/472-83865/491-008).
- v) Improving Victoria Court, Mona, Ellis and Victoria to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$244,205.87 (plus idle fund interest - \$1,165.98, plus temporary note interest - \$5,370.15). Financing to be issued at this time - \$250,742.00. (765833/472-83866/490-944).
- w) Improving 34th Street North, Lang, Lake Ridge, Lake Ridge Court and Lang Circle to serve Tyler's Landing 2nd Addition (south of 37th Street North, east of Tyler). Total Cost - \$403,219.49 (plus idle fund interest - \$2,401.06, plus temporary note interest - \$7,607.45). Financing to be issued at this time - \$413,228.00. (765839/472-83878/490-950).
- x) Improving 13th Street North to serve Liberty Park 2nd and Copper Gate Estates Additions (south of 13th Street, east of 135th Street West). Total Cost - \$86,278.22 (plus idle fund interest - \$543.98, plus temporary note interest - \$1,489.80). Financing to be issued at this time - \$88,312.00. (765855/472-83880/490-966).
- y) Improving Eberly Court from 119th Street West to and including the cul-de-sac to serve Laurel Acres Addition (south of 21st Street North, west of 119th Street West). Total Cost - \$110,996.72 (plus idle fund interest - \$573.97, plus temporary note interest - \$2,603.31). Financing to be issued at this time - \$114,174.00. (765847/472-83886/490-958).
- z) Improving Lakecrest Circle, Havenhurst, Lakecrest, and Lakecrest Court to serve Ridge Addition (north of 37th Street North, west of Ridge). Total Cost - \$267,973.54 (plus idle fund interest - \$1,542.72, plus temporary note interest - \$5,263.74). Financing to be issued at this time - \$274,780.00. (765832/472-83888/490-943).
- aa) Improving Falcon, Dellrose, Falcon Court, and Dellrose Circle to serve Eagles Landing at North Oliver 3rd Addition (west of Oliver, south of 45th Street South). Total Cost - \$189,961.54 (plus idle fund interest - \$1,012.13, plus temporary note interest - \$4,464.33). Financing to be issued at this time - \$195,438.00. (765837/472-83898/490-948).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 30

- bb) Improving Façade Improvement Program at 101 South Market (south of Douglas, west of Market). Total Cost - \$77,939.38 (plus idle fund interest - (\$519.95), plus temporary note interest - \$2,623.57). Financing to be issued at this time - \$80,043.00. (766010/472-83932/491-011).
- cc) Improving Thurman, Suncrest Avenue, 15th Street North, Nantucket, and Suncrest Court to serve English Country Gardens Addition (east of Tyler, north of 13th Street). Total Cost - \$277,616.70 (plus idle fund interest - \$1,495.14, plus temporary note interest - \$6,063.16). Financing to be issued at this time - \$285,175.00. (765849/472-83935/490-960).
- dd) Improving Cranbrook, Rusty Gate, and Frederic Circle to serve Remington Place 3rd Addition (south of 21st Street North, east of Webb Road). Total Cost - \$517,081.97 (plus idle fund interest - \$3,118.79, plus temporary note interest - \$10,248.24). Financing to be issued at this time - \$530,449.00. (765863/472-83943/490-974).
- ee) Improving 37th Street North from Tyler Road to Ridge Road to serve Avalon Park, Northridge Plaza, North Ridge, Tyler's Landing, Tyler's Landing 2nd, and Hoskinson's 2nd Additions. Total Cost - \$148,239.23 (plus idle fund interest - \$737.11, plus temporary note interest - \$2,979.66). Financing to be issued at this time - \$151,956.00. (765851/472-83948/490-962).
- ff) Improving Elm from Sheridan to Mt. Carmel to serve Simpson's, SA King's, and Lemon 4th Additions (north of Central, east of Sheridan). Total Cost - \$50,000.00 (plus idle fund interest - \$1,117.00, plus temporary note interest - \$0). Financing to be issued at this time - \$51,117.00. (765867/472-83950/490-978).
- gg) Improving 127th Street East from Pawnee to Sierra Hills Addition to serve Sierra Hills Addition (north of Pawnee, south of Mt. Vernon). Total Cost - \$181,876.16 (plus idle fund interest - \$1,298.13, plus temporary note interest - \$3,511.71). Financing to be issued at this time - \$186,686.00. (765864/472-83964/490-975).
- hh) Improving Hydraulic Drive from the north line of Lot 8, Block 2, to the south line of Lot 2, Block 2, Pine Bay Estates Addition (east of Hydraulic, south of 63rd Street South). Total Cost - \$153,555.03 (plus idle fund interest - \$813.90, plus temporary note interest - \$3,086.07). Financing to be issued at this time - \$157,455.00. (765879/472-83967/490-990).
- ii) Improving Fawn Grove, Leeanne Circle to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$308,013.16 (plus idle fund interest - \$1,006.70, plus temporary note interest - \$6,172.14). Financing to be issued at this time - \$315,192.00. (765873/472-83980/490-984).
- jj) Improving Façade Improvement Program at 712 West Douglas (north of Douglas, east of Seneca). Total Cost - \$16,652.43 (plus idle fund interest - \$138.07, plus temporary note interest - \$340.50). Financing to be issued at this time - \$17,131.00. (766011/472-83992/491-012).
- kk) Improving Kinkaid Circle from the east line of Brentwood South 2nd Addition to and including cul-de-sac to serve Brentwood South 2nd Addition (north of Pawnee, east of Webb). Total Cost - \$132,090.68 (plus idle fund interest - \$1,490.16, plus temporary note interest - \$1,064.16). Financing to be issued at this time - \$134,645.00. (765876/472-83994/490-987).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 31

- ll) Improving Florence from Esthner Avenue to Bounous Street to serve Burnham Industrial and Von Feldt Industrial Additions (west of West Street, south of Harry). Total Cost - \$107,288.44 (plus idle fund interest - \$880.40, plus temporary note interest - \$1,064.16). Financing to be issued at this time - \$109,233.00. (765877/472-84020/490-988).
- mm) Improving Hoover Court from the west line of Hoover, west to and including the cul-de-sac, to serve Airport Industrial Park (south of Harry, west of Hoover). Total Cost - \$100,058.11 (plus idle fund interest - \$1,896.89, plus temporary note interest - \$0). Financing to be issued at this time - \$101,955.00. (765885/472-84024/490-996).
- nn) Improving Shade Court to serve Shady Ridge Addition (south of Central, east of Ridge). Total Cost - \$70,219.20 (plus idle fund interest - \$606.64, plus temporary note interest - \$1,064.16). Financing to be issued at this time - \$71,890.00. (765888/472-84051/490-001).
- oo) Improving 51st Street North from Athenian to Charles to serve an unplatted tract east of Meridian. Total Cost - \$1,713.97 (plus idle fund interest - \$20.03, plus temporary note interest - \$0). Financing to be issued at this time - \$1,734.00. (765915/472-84117/490-028).

Motion--carried

Mayans moved to approve and file. Motion carried 6 to 0, (Fearey absent).

MAPLE SHADE

PETITION FOR PUBLIC IMPROVEMENTS: SANITARY SEWER TO SERVE MAPLE SHADE ADDITION, EAST OF WEBB, NORTH OF PAWNEE. (DISTRICT II)

Agenda Report No. 05-0640

On April 26, 2005, the City Council approved a Petition for a sanitary sewer to serve Maple Shade Addition. The Petition, which was prepared by the developer's platting Engineer, contains a project budget that is too low. The developer has submitted a new Petition with an increased budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located east of Webb, north of Pawnee.

The existing Petition totals \$32,000. The new Petition totals \$80,000. The funding source is special assessments.

State Statutes provide that a petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 05-348

Resolution of findings of advisability and Resolution authorizing construction of Lateral 375 Four Mile Creek Sewer (east of Webb, north of Pawnee) 468-83994, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans. (Fearey absent)

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures to consider.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 32

GOLF CONCESS.

PROCUREMENT OF CONCESSION SUPPLIES FOR GOLF COURSES.

Agenda Report No. 05-0641

The Golf Course Division of the Park and Recreation Department provides concession services to patrons at the City's golf courses. Vendor contracts for provision of food, restaurant supplies, and delivery are scheduled for renewal.

On May 3, 2005, the City Purchasing Division sent out a Request for Proposals (RFP) for food and restaurant supplies for City golf courses. U.S. Foodservice was the sole respondent to this RFP. This vendor has satisfactorily provided these services to the City golf courses since 2001.

U.S. Food Services has provided pricing and will provide free delivery for orders of \$350 or more.

There is an existing blanket purchase order contract on file with Purchasing that will be updated for review by the Law Department.

Motion--
--carried

Mayans moved that the contract for U.S. Foodservice to provide food and restaurant supply services for City golf courses be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

INTERAGENCY

INTERAGENCY AGREEMENT.

Agenda Report No. 05-0642

The Access to Jobs program provides rides to and from work for low-income workers. Since the start of the program in October 2000, Access has provided over 500,000 rides. By entering into an interagency agreement with SRS, Wichita Transit can provide 13,300 more rides a year to low-income workers. This is an agreement renewal.

Part of the Access to Jobs grant is to provide half the cost of the rides that agencies offer low-income clients when they are trying to enter or re-enter the work force. The other half of those expenses are borne by the agency.

The Access to Jobs rides will be purchased with grants from FTA (50%) and from Social and Rehabilitations Services (50%). The flash passes will be paid for by SRS. No city funds will be involved in the Access rides or the flash passes.

The City's Law Department has reviewed the contract prior to execution as to form.

Motion--
--carried

Mayans moved that the interagency agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

BOOSTER PUMP

WEST MAPLE WATER BOOSTER PUMP STATION AGREEMENT. (DISTRICT V)

Agenda Report No. 05-0643

The 1999 the Water Master Plan identified potential water pressure problems in portions of the west Wichita water distribution system and in growth areas in west Sedgwick County identified by the Metropolitan Area Planning Department (MAPD). Pressure complaints and accelerated growth in the west Wichita area have prompted a need to go forward with this project.

On April 8, 2003, the City Council approved a Water Master Plan Update. In the process of updating the water distribution water model and analyzing the water distribution system, which includes the latest growth predictions by MAPD, the Water Master Plan recommended a new water distribution booster pump station facility. The facility will be located near the existing 24-inch water main in Maple

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 33

between 135th Street West and 151st Street West.

On February 28, 2005, the Staff Screening and Selection Committee selected the design/build team of Dondlinger & Sons Construction Co., Inc. and Burns & McDonnell Consultant Engineers for the design and construction of the West Maple Water Booster Pump Station.

City Council approved land acquisition and engineer/contractor expenditures for \$650,000 in CIP W-910 (135th W. & Maple Inline Booster Station) on December 7, 2004. Funds will be provided from future revenue bonds and/or Water Utility cash reserves.

The Agreement will not exceed the guaranteed maximum price of \$429,700. All work will be performed on a cost-of-work-basis with a fee of ten percent (10%) on a guaranteed maximum basis, with savings below the guaranteed maximum price to be shared 50 percent the City and 50 percent by the contractor.

The Law Department has reviewed the Agreement and approved it as to form.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

EQUUS BEDS NO. 6

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE I – SUPPLEMENTAL AGREEMENT NO. 6.

Agenda Report No. 05-0644

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery Project for \$798,532.

November 5, 2002, the City Council approved Supplemental Agreement No. 1, for additional archeological services to evaluate the impact of the discovery of a prehistoric artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

April 1, 2003, City Council approved Supplemental Agreement No. 3 to allow drilling of additional test holes at the proposed sites for recharge basins.

May 25, 2004, City Council approved Supplemental Agreement No. 4 to drill two additional test wells at alternative sites for diversions wells that appeared to have better water quality.

August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

The proposed Supplemental Agreement includes additional engineering services necessary to conduct a full-scale aquifer test at the site of one of the proposed diversion wells adjacent to the Little Arkansas River. This test is necessary to prove that a well at this site will divert water from the river, rather than the aquifer, and meet the requirements established by the GMD and the state. Similar tests will be required at each proposed diversion well, but this first test can be done with a smaller well that can then be used to provide the water needed to drill the larger wells.

Doing a test well now, rather than after the full-scale wells have been drilled, will help assure that the City will be constructing facilities that meet its needs and comply with regulatory requirements. The Supplemental Agreement includes the cost of drilling the well (thereby reducing the cost of the

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 34

construction phase by that amount) and the engineering services to observe construction of the well, conduct the appropriate pump tests and analyze the results.

The cost of Supplemental Agreement No. 6 will not exceed \$94,746. This includes \$49,750 for construction of the pumping well, observation wells and associated monitoring equipment. Funding for the project is included in CIP W-549, Water Supply Plan Phase III, which has available funding of over \$7.6 million.

The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 6 with Burns & McDonnell be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

EQUUS BEDS NO. 7. EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT, PHASE I – SUPPLEMENTAL AGREEMENT NO. 7.

Agenda Report No. 05-0645

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery Project for \$798,532.

November 5, 2002, the City Council approved Supplemental Agreement No. 1, for additional archeological services to evaluate the impact of the discovery of a prehistoric artifact.

March 25, 2003, City Council approved Supplemental Agreement No. 2 for the services necessary to run the computer model to evaluate the results of pilot work on alternate water treatment technologies.

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August 31, 2004, City Council approved a Memorandum of Understanding with the Equus Beds Groundwater Management District (GMD) that led to the unanimous recommendation of the GMD for approval of the City's applications for water rights for Phase I of the ASR project.

March 8, 2005, City Council approved Supplemental Agreement No. 5 that included services to conduct a shallow aquifer test and other services associated with obtaining appropriations from the state.

As part of the Aquifer Storage and Recovery Project (ASR) project, Burns and McDonnell will design improvements to the electrical distribution system that the City owns in the Equus Beds Wellfield. The City's electric system connects to Westar Energy at two locations in the wellfield; however, the overhead electrical distribution system that transmits power to the 55 water supply wells is owned and operated by the City.

During the ice storm of January 2005, several weaknesses were found in the connections from Westar and in the City's existing electrical system. This Supplemental Agreement includes engineering services necessary to remedy the weaknesses. Proposed improvements include upgrading approximately five miles of overhead power lines, new transformers and equipment that will facilitate the use of emergency generators to power some of the wells. These design services are beyond the scope of the present contract, but blend with the services they are providing as part of the ASR project.

The Supplemental Agreement will not exceed \$83,550. Construction of the improvements, estimated at \$740,000 will be included as part of the Phase I ASR project. Funding is available in CIP W-549, Water Supply Plan Phase III, which has available funding of over \$7.6 million.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 35

The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 7 with Burns & McDonnell be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

PARKING

CONTRACT FOR PARKING MANAGEMENT. (DISTRICT VI)

Agenda Report No. 05-0646

On October 1, 1996, the City of Wichita and AMPCO System Parking (AMPCO) entered into a contract for management of the City Hall Parking complex, the State Office Building Parking Garage and various City-owned surface lots. Under the contract, AMPCO manages 13 surface lots and two garages totaling approximately 2,610 spaces. All available extension options have been exercised under the contract.

A request for proposal for parking management was prepared and sent to fourteen parking management companies nationwide. Three proposals were received. Pursuant to Administrative Regulation 1.2, a staff screening and selection committee reviewed the proposals and interviewed the interested firms. Based on qualifications, presentation and fee structure, the committee recommended that a new contract be approved with AMPCO. .

AMPCO's current monthly fee is \$18,843. The new contract fee is \$18,143. In addition, AMPCO has agreed to spend \$125,000 on facility and system upgrades.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

GARAGE REPAIRS

CITY HALL GARAGE REPAIRS. (DISTRICT VI)

Agenda Report No. 05-0647

On November 16, 2004, City Council approved a CIP project to perform a condition appraisal/maintenance review of the City Hall Parking Garage.

On February 15, 2005, City Council approved a contract with the combined firms of McCluggage Van Sickie Perry Corp. (MVP) and Walker Parking Consultants, Inc. for \$18,000 to perform the condition appraisal/maintenance review.

Walker Parking Consultants, Inc. performed a survey of the structure on March 16 and 17, 2005. Their evaluation included a visual survey of the topside and underside of the supported levels, concrete slab, sealants, columns, beams, shear walls, spandrel walls, drainage systems, stair towers and other miscellaneous items. Selected chain dragging of the topping slab was also performed to identify if hidden delaminating was present. Concrete samples were obtained and set for lab analysis.

The major conditions observed include but are not limited to: deteriorated control joint sealants; surface spalling of the supported concrete topping slab; delaminated concrete in the supported slab and ramp; moisture infiltration of the spandrel brick façade; bearing pad issues in select locations; corrosion of the metal pan stairs and railings; cracked brick façade at the northwest corner on the upper level; fading and corrosion of metal railing on the top of the spandrel beams; faded floor markings and obstructed floor drains. There were no apparent life safety issues observed.

As part of the condition appraisal the consultant was to provide an estimate of probable construction cost for the recommended repairs. They studied the various repair techniques for the structure focusing on providing increased levels of repair and protection to minimize the potential of future deterioration. The repairs presented identified the basic repair approach to restore the structure's integrity and

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 36

maintainability, while maintaining service life. The estimated probable cost of construction for all the recommended repairs is \$263,835, which exceeds the CIP budget. Therefore, only the highest priority repairs are scheduled for 2005.

Repairs to be completed this year include concrete, masonry, waterproofing, sealant, mechanical, and other miscellaneous items for an estimated probable cost of construction of \$180,765.

A contract amendment has been negotiated with the MVP to continue their services related to the Construction Documents, Bidding, and Construction Administration Phases for the repairs as identified in the condition appraisal for a fee including reimbursable expenses not to exceed \$36,550.

The condition appraisal cost of \$18,000 plus the additional consultant services for construction documents of \$36,550 and the estimated probable cost of construction of the priority repairs of \$180,765 total \$235,315, which is within the CIP budget.

The project is authorized in the 2004-2013 Capital Improvement Program (CIP) PB-340402 (Project No. 435392, OCA No. 792427) at \$250,000 in 2005. The proposed 2005-2014 CIP, which has not yet been approved, includes an additional \$250,000 in 2006 for the remaining garage/modifications repairs making a total of \$500,000 available over 2 years.

The Law Department has approved the Contract Amendment as to form.

Motion--
--carried

Mayans moved that the Contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

CHERYL'S HOLLOW CONSTRUCTION ENGINEERING AND STAKING IN CHERYL'S HOLLOW ADDITION, NORTH OF 13^{5TH} STREET WEST. – SUPPLEMENTAL - (DISTRICT V)

Agenda Report No. 05-0648

The City Council approved the drainage improvements in Cheryl's Hollow Addition on December 21, 2004. On February 15, 2005 the City approved an Agreement with Ruggles & Bohm, P.A. (R&B) to design the improvements. The Design Agreement with R&B requires R&B to provide construction engineering and staking services if requested by the City.

The proposed Supplemental Agreement between the City and R&B provides for construction engineering and staking for the improvements. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering and staking for this project.

Payment to R&B will be on a lump sum basis of \$17,520, and will be paid by special assessments.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

GYPSUM CREEK OLIVER STREET BRIDGE AT GYPSUM CREEK. – SUPPLEMENTAL (DISTRICT III)

Agenda Report No. 05-0649

The May 22, 2003, the City Council entered into an Agreement with Cook, Flatt & Strobel Engineers, P.A. (CF&S) for designing improvements to the Oliver Street Bridge at Gypsum Creek. The Design Agreement with CF&S requires CF&S to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and CF&S provides for construction

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 37

engineering services for the Oliver Street Bridge.

Payment to CF&S will be on an hourly basis, with a maximum fee not to exceed \$59,555, and will be paid by General Obligation Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

COLOR PRINTER

PRODUCTION COLOR LASER PRINTER.

July 12, 2005

Agenda Report No. 05-0650

The City of Wichita Print Shop provides a production quality color printing service for all City departments. The lease for the current color production printer has expired and a new solution is necessary.

A competitive Request for Proposal (FP500041) for a production color laser printer was issued and 6 responses were received. A staff screening and selection committee reviewed and evaluated the proposals based on the criteria set forth in the Request for Proposal. Additionally, the prints that accompanied each proposal were also evaluated. The product quality and functionality of the proposed printers varied greatly and only two vendors were able to fully meet the requirements of the RFP and provide the level of color print quality needed for Print Shop production. Interviews and product demonstrations were conducted with the two finalists before a decision was reached. The Xerox Corporation's DocuColor 3535 offered the highest quality product at a competitive price. The lease agreement includes on-site maintenance for the term of the lease. The agreement also includes all supplies except for paper and staples.

The printer lease is within the departmental operating budget and the annual total is not expected to exceed \$24,000.

The Law Department is currently reviewing and will approve the contracts as to form. The duration of the lease agreement is three years.

Motion--
--carried

Mayans moved that the lease agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

SHADOW WOODS

SHADOW WOODS ADDITION, WEST OF 135TH STREET WEST, NORTH OF MAPLE. (DISTRICT V)

Agenda Report No. 05-0651

The City Council approved the water distribution system, drainage and paving improvements in Shadow Woods Addition on July 20, 2004.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system, drainage and paving in Shadow Woods Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$42,500, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 38

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

PRAIRIE POND

PRAIRIE POND PLAZA ADDITION, NORTH OF KELLOGG, EAST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 05-0652

The City Council approved the sanitary sewer and drainage improvements in Prairie Pond Plaza Addition on January 4, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of sanitary sewer and drainage in Prairie Pond Plaza Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$26,500, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

COPPER GATE

COPPER GATE NORTH AND CHERYL'S HOLLOW ADDITIONS, NORTH OF 13TH STREET, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 05-0653

The City Council approved the sanitary sewer improvements in Copper Gate North and Cheryl's Hollow Additions on April 5, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of sanitary sewer in Copper Gate North and Cheryl's Hollow Additions. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$20,800, and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 39

KELLOGG/ROCK

KELLOGG/ROCK INTERCHANGE FRONTAGE ROADS. (DISTRICT II)

Agenda Report No. 05-0654

On September 28, 2004 the City Council approved a construction contract to build frontage roads east of Rock for the Kellogg/Rock Interchange. During construction of the project, a number of unforeseen items developed that should be addressed as a change order. They relate to providing safe access to businesses adjacent to the work zone and include: wider pavement on Eastern Street, installation of concrete barrier walls, new connections to private drives, and the removal of Heather Street. In addition, two manholes were added to a large sanitary sewer to maintain flow during construction.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$28,404, with the total paid by a combination of local sales tax funds and Federal Grants. The original contract is \$2,154,240. This Change Order represents 1.32% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

2005 SAN. SEWER

2005 SANITARY SEWER REHABILITATION PROGRAM, PHASE A, WEST OF WASHINGTON, UNDER THE KELLOGG OVERPASS. (DISTRICT I)

Agenda Report No. 05-0655

On February 1, 2005, the City Council approved a construction contract to install a pipe liner through a sanitary sewer located west of Washington at Kellogg. After the work began, it was discovered that a tracer wire, installed as part of the Gilbert-Mosley Groundwater Remediation Project, was bored through two sections of the sanitary sewer pipe. As a result, those sections had to be removed and replaced. These repairs will be paid by the Gilbert-Mosley Remediation Fund. In addition, 645 feet of pipe is 10" in diameter, not 8" as listed on old sanitary sewer records, requiring a more expensive pipe liner.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The total cost of the additional work is \$12,485 with \$1,935 paid by the Sewer Utility and \$10,550 paid by the Gilbert-Mosley Remediation Fund. The original contract is \$197,574. This Change Order represents 6.3% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 40

EXPENSE REPORT

EXPENSE REPORT FOR SENIOR MANAGEMENT, FOR MONTH OF MAY 2005.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0, (Fearey absent).

(Item 13)

ABATEMENT

ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, II, III, V & VI)

Agenda Report No. 05-0656

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on July 22, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2005 bonds sell. The principal and interest will then be spread for 1-year and placed on the 2005 tax roll.

The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Council Member Skelton

Council Member Skelton stated that he would like to have the addresses attached to the agenda reports before voting on this item.

Motion--carried

Skelton moved to defer this item until the July 19, 2005 Council Meeting. Motion carried 6 to 0, (Fearey absent).

(Item 14)

BOEING-IRB

PURCHASE OPTION FOR 1981 THROUGH 1994 PROJECTS (BOEING IRB ASSET TRUST).

Agenda Report No. 05-0657

The City has outstanding twenty-five series of Industrial Revenue Bonds issued between December 1981 and December 14, 2004, to finance facilities for the benefit of The Boeing Company ("Boeing"). Each series was issued as a stand-alone financing for a discrete project, under separate, project-specific Leases (the "Leases"). Bond proceeds for each series were used for the purpose of financing the costs of acquisition, construction, equipping and furnishing of certain industrial facilities (collectively the "Projects") for lease to, and use by, The Boeing Company. On June 16, 2005, Boeing assigned its interest in all of the Leases to BOEING IRB Asset Trust, a Delaware statutory trust ("Tenant"). Under the provisions of the applicable Lease Agreements the Tenant, if not in default, has the option to purchase the facility from the City for a set price (\$100 for each project financed prior to 1994, and \$1,000 for each project financed thereafter), plus all amounts required to provide for redemption and payment of the principal, interest and premium on all outstanding bonds, together with the Trustee's fees and costs of redemption. The City has received from the Tenant a "Notice of 81-94 Bond Terminations," dated June 16, 2005 notifying the City of the Tenant's intention to exercise its purchase options for the property financed from 1981 through 1994, inclusive, and the firm of Kutak Rock LLP, Tenant's Bond Counsel, has submitted documents for that purpose. The City has received notice from The Bank of New York Trust Company, N.A., indicating that the Bonds issued to finance these projects have been paid according to their terms.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 41

Under the terms of the applicable Lease Agreements, the City is required to convey the property securing the IRB issue to the Tenant, following the payment of all Bonds and the Tenant's payment of the purchase price and other consideration under the provisions of the Lease Agreements.

The purchase price is \$2,400, and has been paid by the Tenant prior to the submission of this agenda item.

It is appropriate for the City to quit claim the 1981 through 1994 project property to the Tenant, and to terminate the leases and security interests and take all other actions needed to terminate the City's interest in the property. The City Attorney's Office has approved the form of the Resolution and the forms of the Quit Claim Deed and each Termination of Lease to be executed and delivered by the City, and each Release of Lien of Indenture to be approved by the City and delivered to the Tenant by the Trustee.

Mayor Mayans

Mayor Mayans stated that this item was pulled so that he and Council Member Brewer can abstain from voting due to a conflict of interest.

Motion--
--carried

Schlapp moved that the Resolution approving the conveyance and termination instruments be approved and the necessary signatures authorized. Motion carried 4 to 0, (Mayans and Brewer abstained, Fearey absent).

RESOLUTION NO. 05-368

A Resolution of the City of Wichita, Kansas, approving the authorizing the execution and delivery of a Quitclaim Deed and Termination of Leases, presented. Schlapp moved that the Resolution be adopted. Motion carried 4 to 0. Yeas: Gray, Martz, Schlapp, Skelton. (Fearey absent, Mayan, Brewer abstain.)

CHAPTER 7.70

REPEAL OF CHAPTER 7.70 (SPA POOLS).

Agenda Report No. 05-0658

On May 3, 2005, the City Council approved updated consolidated standards (Chapter 7.72) for swimming pools, spa pools, and other recreational water features. The new code incorporated standards for spa pools, which were previously regulated by a separate chapter (7.70) in the code. The ordinance implementing the new Chapter 7.72 did not repeal the previously used chapter.

Standards in Chapter 7.70 are outdated, and the chapter is no longer needed. Standards for spa pools are now included in the new combined code.

The ordinance repealing Chapter 7.70, the previously used standards, has been drafted by the Law Department.

Motion--
--carried

Mayans moved that the ordinance repealing Chapter 7.70 of the City Code be placed on first reading and the necessary signatures authorized. Motion carried 6 to 0.

ORDINANCE

An Ordinance repealing Chapter 7.70 of the Code of the City of Wichita, Kansas, pertaining to spa pools, introduced and under the rules laid over.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 42

BLUE LAKE ADD.

PETITION AND CHANGE ORDER FOR IMPROVEMENTS IN BLUE LAKE ADDITION, WEST OF WEST STREET, NORTH OF MACARTHUR. (DISTRICT IV)

Agenda Report No. 05-0659

On September 14, 2004, the City Council approved a Petition for paving and drainage improvements in Blue Lake Addition. The developer and the developers design consultant have requested that an existing pond be enlarged. The developer has submitted a new Petition with an increased budget to pay for the additional cost. The signature on the Petition represents 100% of the improvement district. A change order has been prepared to authorize the additional work.

Blue Lake Addition is a new residential development located west of West Street, north of MacArthur.

The existing Petition totals \$965,000. The new Petition totals \$1,030,000. The funding source is special assessments. The Change Order amount is \$60,000. The original contract amount is \$826,156. The Change Order represents 7.26% of the original contract amount.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district. The Law Department has approved the Change Order as to legal form. The Change Order amount is within 25% of the construction contract cost limit set by the City Council policy.

Motion--
--carried

Mayans moved that the Petition, and the Change Order be approved and the Resolution adopted.
Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 05-369

Resolution of findings of advisability and Resolution authorizing improving Bluelake, 31st Street South, and Bolin Drive from the south line of Lot 15, Block D, north, east and south to Sabin and on Sabin from the southwest line of Bolin Drive, south to the north line of Lot 61, Block D. Bluelake Court (Lots 84 through 100, Block A), from the west line of Bluelake, west to and including the cul-de-sac, on Bluelake Court (Lots 101 through 117, Block A), from the west line of Bluelake, west to and including the cul-de-sac, and on Sabin Court from the west line of Sabin, west to and including the cul-de-sac and south to and including the cul-de-sac. Sidewalk be constructed along one side of Bluelake, 31st Street South, Bolin Drive and Sabin (west of West Street, north of MacArthur) 472-84074, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans. (Fearey absent)

ORDINANCES

SECOND READING ORDINANCES:

First read June 21, 2005:

a) ENVIRONMENTAL HEALTH DEPARTMENT NAME CHANGE.

ORDINANCE NO. 46-617

An ordinance amending section 2.08.120 and 2.08.190 of the code of the City of Wichita, Kansas, pertaining to the creation and the organization of City departments and repealing the originals of said sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans: (Fearey absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 43

First read June 28, 2005:

- b) A05-10 - GENERALLY LOCATED SOUTHEAST OF THE INTERSECTION OF KELLOGG/US-54 AND 127TH STREET EAST. (DISTRICT II)

ORDINANCE NO. 46-618

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans: (Fearey absent). (A05-10)

- c) A05-11 - GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 119TH STREET WEST AND PAWNEE. (DISTRICT IV)

ORDINANCE NO. 46-619

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans: (Fearey absent). (A05-11)

- d) ZON 2004-44 - SOUTH SIDE OF 21ST STREET NORTH AND EAST OF GREENWICH. (DISTRICT II)

ORDINANCE NO. 46-620

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans: (Fearey absent). (ZON 2004-44)

UNFINISHED BUSINESS

HIGH PERFORM.

CONSULTANT SERVICES CONTRACT-HIGH PERFORMANCE ORGANIZATION. (DEFERRED FEBRUARY 15, 2005)

Terry Cassady

City Manager's office reviewed the item.

Agenda Report No. 05-0014A

The City Manager desires to develop a project to accelerate the City of Wichita into a high performing organization using continuous quality improvement processes. This initiative is similar to improvements that have been completed in the development departments over the past eight years.

At the December 21, 2004, City Council meeting, the governing body approved the project, initial funding sources and authorized staff to solicit proposals for consultant services. A Request for Qualifications (RFQ) was subsequently issued and 15 responses were received. The Staff Screening and Selection Committee evaluated the responses and invited five firms to respond to a formal Request for Proposal (RFP). Four proposals were received. The Public Strategies Group, Inc., St. Paul, Minnesota was the unanimous choice by the selection committee based on demonstrated competence, qualifications, compatibility and innovative funding strategies.

Action on the recommendation to approve the consultant contract with Public Strategies Group was deferred by the City Council at its February 15, 2005 meeting.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 44

The improvement initiative will be two-phase with the first phase lasting approximately six months and phase two encompassing two to five years. It is anticipated that consultant services will be retained for a maximum two-year period with options to renew the contract under the same term and conditions for three successive one-year periods by mutual agreement of both parties. The contract will be subject to cancellation by the City at its discretion at any time within the original contract term or within any successive renewals upon thirty days written notice to the consultant. The contract also has a money back guarantee if at any time at the discretion of the City Manager, we are not happy with the contract results.

The phase one contract will be for a not to exceed amount of \$150,000 for deliverables and \$30,000 for reimbursable expenses. The Council approved funding for the \$150,000 at the December 21, 2004 meeting. Funding for the reimbursables will be through a budget transfer from Research and Development

The Law Department has approved the contract as to form.

- Council Member Skelton Council Member Skelton stated that his expectation is to have regular meetings on this process to be kept updated. Stated that the goal is to have savings greater than costs, thereby this could be viewed as an investment.
- Council Member Brewer Council Member Brewer asked if the Council will be getting continual feedback as to what the gains are and what the losses are and if we find a better process to make it more efficient then there may be times that we have to make investments to make these long-term gains but somebody will have to be able to tell us how long it will take us to recoup that initial investment.
- Terry Cassidy City Manager's Office, stated that will be part of the report that the Council will receive and that they want the Council to be as fully informed and involved with this process as they would like to be. Stated that we are talking about moving this whole organization to a different level and that they are expecting to be working with this company on a daily basis, whether they are here or somewhere else and that it will be a very intensive start up process and there will be lots of involvement and the thinking is to drive this forward to have early successes.
- George Kolb City Manager stated that he has heard from the Council Members their need to be involved and that it will be mandatory that in order for this project to be successful is that the City Council be involved in this whole process. Stated that one of the goals that they are looking at is to improve this organization to make the City Council and the community very proud of it. Stated that during phase one, he will make sure that at some point when they get very close to developing the blueprint of where we are going with this project, that we have a full day workshop devoted to the City Council so that they can fully understand where we came from and which direction we are going so that we can get your thoughts of where we need to be going.
- Mayor Mayans Mayor Mayan inquired whether anyone wished to be heard and no one appeared.
- Council Member Brewer Council Member Brewer stated that he has had an opportunity to see what is happening around the world as far as in the private sector, working on high performance organizations but also as we start watching how productive it has been for them and making it cost effective and being able to utilize equipment, resources and being user friendly to customers, it has been very successful. Stated that he feels that we are heading in the right direction in making a small investment and expecting a return whether it be in better services or a dollar figure and thinks it is an excellent idea for us to step forward and is interested in finding out exactly where it is going to take us and it will be educational for us and there will be a lot of opportunities.
- Mayor Mayans Mayor Mayans stated that the Council will be supportive of this initiative today and as we make this decision we need to remain cognizant that on a tight budget, we are saying to our friends in the Arts and Cultural resources that we do not have enough money and here we are getting ready to spend more money on this item and the next item. Stated that it remains to be seen yet where the added value is. Stated that he will support this project but asked that the Council remain cognizant as we develop this organization to a different level, that we are able to fund the other projects that the Council has

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 45

passionately advocated for.

Motion--
--carried

Mayans moved that the contract with The Public Strategies Group, Inc., and the budget transfer be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

ICE SPORTS

ICE SPORTS. (DISTRICT IV) (CONTINUED FROM MAY 3, 2005)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 05-0467A

On May 3, 2005, staff was directed to negotiate the termination of the 15-year contract between Canlan Ice Sports Corp. and the City. Council further directed that the Park and Recreation Department take over operations of the facility until a new management plan was approved. City Council authorized a \$50,000 subsidy towards shortfalls in revenues over expenditures.

The City has entered into negotiations for the termination of the contract. A terminate date of July 1, 2005 has been suggested, but was not agreed upon as the turnover date. In light of the uncertainty, which has proven to be challenging, over the past couple of months Ice Sports-Wichita has successfully produced revenues, supported planned activities, curtailed costs, reduced hours, and minimized part-time staff costs through tier scheduling salary staff. The collaborative efforts and the previously approved subsidy has brought Ice Sports outstanding invoices to approximately \$27,000 and less than 30 days past due, with an exception of a couple of invoices owed to Canlan. Once the facility is stabilized, we will regain league participation and contract ice for figure skating and group rentals in an effort to continue operating until the completion and successful award of a new management contract.

The loss of a youth tournament in May, due to low commitments, resulted in losing potential tournament net revenue of \$15,500 and potential pro-shop sales of \$7,500. The local youth hockey leagues requested the Kansas Cup Youth Tournament be restructured this year to accommodate them, eliminating the more competitive teams. Three of the Kansas City teams promised to continue to participate, but pulled out two days before we decided to cancel the tournament. The net revenue earned from the Kansas Cup Adult Tournament assisted with paying expenditures incurred from April. However, the cancellation of the youth tournament required usage of the subsidy prematurely.

Additionally, revenue normally realized in early June from summer leagues has to be deferred to late July. The summer league registration was extended for two weeks to allow for additional teams. The Wichita Thunder currently pays an office rental fee of \$1,850 monthly and is current through the month of June. However, they are currently in receivership, so future payments are improbable.

Although part of June's revenue will be deferred until the end of July, the failure of the refrigeration plant and compressor will likely consume it through utility payments. Thus, the additional subsidies of \$25,000 are required to continue operating.

Finalized settlement to contract will follow.

Council Member Skelton

Council Member Skelton stated that on the green sheet it says that the facility is making money and asked if this was correct.

Doug Kupper

Director of Parks and Recreation stated that they are generating some revenue but that it is not profitable.

Council Member Skelton

Council Member Skelton stated that his concerns are that we are two months into this and there have been multiple things that have happened and asked if there is a goal for a break even point.

Doug Kupper

Director of Parks and Recreation stated that if they can stabilize the primary users through the rest of this summer, they will have staff there and are ready for business but does not know what the circumstances are and why the public is not coming.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 46

- Council Member Schlapp Council Member Schlapp stated we need to find a way to increase revenues and that she has concerns that are we are not promoting this in a positive way. Stated that she is hearing a lot of negativity and does not think that helps promote anything. Stated that someone needs to go out and make personal contact and thinks that this is a big piece of our problem, that we are not marketing in a way that the community is listening.
- Doug Kupper Director of Parks and Recreation stated that he agrees and has strategies in place for when we take it over. Stated that you have to spend money to make money and when he is not making enough money to cover the expenses now, where does he draw the line on a \$1,000 promotional ad. Stated that it stretched him to the limit to comply with the Council's request to put a sign costing \$1,500.00 on the roof of the facility.
- Council Member Schlapp Council Member Schlapp stated that we could recruit volunteers who really care about the ice rink and if the were brought into the picture and asked to go out into the community or make 10 phone calls, on a very personal basis. Stated that she thinks this is the direction we need to go to get the revenues up.
- Mayor Mayans Mayor Mayans asked Gary Rebenstorf, Director of Law, where we are at in terminating this contract, which we had asked to be terminated on July 1st and it has not been done yet.
- Gary Rebenstorf Director of Law explained that he would prefer to discuss the negotiations that he is having with the attorneys for Canlan, in executive session because we are at this point in negotiations with them.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Council Member Skelton Council Member Skelton stated that he is concerned about this issue and would like to see the ice rink continue and eventually be successful but that he would like to have another meeting with staff to look at alternatives. Stated that he will not be supporting this today because he would like to look at more opportunities. Stated we are making the taxpayers responsible for the people who use the facility and are not showing up. Stated that \$25,000.00 could be utilized by many different departments and areas that are more focused on basic City services. Stated that we have only been doing that for two months and are already using the contingency fund.
- Council Member Schlapp Council Member Schlapp asked if we approve this today if we could connect it to some of the suggestions she made and would like to see it done within the next 30 days regarding how we contacted volunteers and get them involved.
- Council Member Martz Council Member Martz stated that he feels it is important to keep the ice rink open and that this is a situation, where if we do not allocate the money needed, that we come to the other alternative, which is to close it down, which causes even greater problems. Stated it is easier to continue going and try to recover losses and put some of the programs mentioned into place. Feels it is important to promote a positive attitude and that we can make it happen. Stated he will be supporting this today.
- Mayor Mayans Mayor Mayans stated that he is also not going to support this today because there will be more money required. Stated that this has been going on too long and as long as we let it linger and not wrap it up and take it over and give the community the credibility that they are looking for, we will continue losing tournaments and there will be issues relating to people not knowing where they stand in the tournaments and continue to make it worse as it goes on. Stated that his suggestion is to wrap this up and quickly as possible.
- Motion-- Schlapp moved that an additional \$25,000 in subsidies to continue to operate Ice Sports as normally as possible to be approved with the guarantee from the Department of Parks and Recreation that we come forward with a plan that will be implemented within the next 30 days and that it shows that we are involving the community and the revenues are going to increase quickly and to do it with a smile on our faces and good positive attitude.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 47

Council Member Gray Council member Gray stated that he will support the motion and that the Council Members want this facility to be successful and agrees that we want the City in charge of it and not Canlan as soon as possible. Stated that he is not comfortable with the fact that we are having to supply an infusion of cash to this facility now, but recognizes that a little bit of dollars now to keep the machine operating and keep the gears working and facility oiled, is a lot less then what the potential start up would cost if the facility were to get closed down even for a few months. Stated that he is afraid that if he were not to support the dollars needed to maintain the doors being kept opened to this facility, the dollars that we would have to spend so that we do not have an albatross next to Kellogg in a few months, is less than the dollars it is going to take for that and this is the only reason why he is supporting this at this time. Stated that he would like it to be made known that he is not real pleased with the fact that we are continuing to lose money on this and hopes to see that in the next few months, at turn around and would like to make sure that the Council hears from staff within the first week of August.

carried Motion carried 4 to 2, (Nays-Mayans and Skelton and Fearey absent).

NEW BUSINESS

UNSAFE STRUC. REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICT I)

Kurt Schroeder Superintendent of the Office of Central Inspection reviewed the item.

Agenda Report No. 05-0660

On May 24, 2005 a report was submitted with respect to the dangerous and unsafe conditions on the properties below. The Council adopted resolutions providing for a public hearing to be held on these condemnation actions at 9:30 a.m. or as soon thereafter, on July 12, 2005.

On May 2, 2005, the Board of Code Standards and Appeals (BCSA) held a hearing on the following properties:

<u>Property Address</u>	<u>Council District</u>
a. 1223 North Ohio	I
b. 1735 North Erie	I
c. 1449 South Waco (rear)	I
d. 1820 South Ellis	I

Pursuant to State Statute, the Resolutions were duly published twice on May 25, 2005, and June 2, 2005. A copy of each resolution was sent by certified mail or given personal service delivery to the owners and lien holders of record of the described property.

Kurt Schroeder Office of Central Inspection stated that there are two representatives present to speak and request some additional time to repair the structures for the properties located at: (A) 1223 North Ohio and (D) 1820 South Ellis. Stated that there is no one here to speak on properties (B) 1735 North Erie and (C) 1449 South Waco (rear) and recommends that the Council proceed with condemnations of those two structures.

Motion-- Mayans moved that the public hearing be closed; the resolutions declaring the buildings dangerous and unsafe structures be adopted; and the BCSA recommended action to proceed with condemnation allowing 10 days to start demolition and 10 days to complete removal of the structures be accepted. Any extensions of time granted to repair the structures would be contingent on the following: (1) All taxes have been paid to date, as of July 12, 2005; (2) the structures have been secured as of July 12, 2005 and will continue to be kept secured; and (3) the premises are mowed and free of debris as of July 12, 2005 and will be so maintained during renovation for items (B) 1735 North Erie and (C) 1449 South Waco (rear). Motion carried 6 to 0, (Fearey absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 48

RESOLUTION NO. 05-350

A Resolution finding that the structure/s located on Lots 73 and 75, and the south half of Lot 77, on Erie Avenue, Woodridge Place Addition to Wichita, Sedgwick County, Kansas, known as 1735 North Erie is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

RESOLUTION NO. 05-351

A Resolution finding that the structure/s located on the south half of lot 38, and all of lot 40, on Waco Avenue, Fitzgerald's 2nd Addition to Wichita, Sedgwick County, Kansas, known as 1449 South Waco (rear) is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

Kurt Schroeder Office of Central Inspection reported that the property at (A) 1223 North Ohio was in probate for a couple of years and the current owner has received an administrative deed on this property in September 2002 and that owner is here to request time to finish repairing the property. Stated that he was at this location yesterday and could see that there has been a tremendous amount of progress in the last couple of weeks on this property. Stated that the property owner is anticipating about 60 more days to complete all of the exterior repairs. Stated that there is a significant amount of back taxes owed, which includes over \$1,000.00 of City liens for clean up and board up and the property owner indicated to him that he has paid several hundred dollars of this but still owes over \$1,150.00 in back taxes and specials.

Mr. Hadley Mr. Hadley stated that he could pay the back taxes in 60 days.

Council Member Brewer Council Member Brewer stated that would be impossible because if he does not come through with his agreement then we have to schedule to have this property torn down. Asked Mr. Hadley if he has met with our Housing Authority to see if he qualifies for any type of assistance in getting this entire thing taken care of.

Mr. Hadley Mr. Hadley stated no, he has not.

Council Member Brewer Council Member Brewer asked Kurt Schroeder to get Mr. Hadley in contact with the Director of Housing and that the Council can grant him a 90 day extension to be able to get the exterior repairs completed and 30 days to pay the back taxes. Stated that if you are unable to do this then the City will proceed with the staff's recommendation.

Motion-- Brewer moved that the property located at (A) 1223 North Ohio, the owner be granted 30 days to pay the back taxes and assessments and an extension of 90 days to get the exterior of the house and repairs completed along with Kurt Schroeder getting the owner in touch with the Housing Authority to see what type of assistance that we may be able to provide in taking care of the exterior.

--carried Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 05-349

A Resolution finding that the structure/s located on Lots 65 and 67, on Ohio Avenue, H.O. Burleigh's Third Addition to Wichita, Sedgwick County, Kansas, known as 1223 North Ohio is/are unsafe or dangerous and directing the structures/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 49

- Kurt Schroeder Office of Central Inspection reported that the property located at (D) 1820 South Ellis's new owner is present and he is requesting time to repair the property and is a new owner who purchased this property at a tax sale a year ago but has just recently received the Sheriff's Deed that says he has clear title to the property. Stated that he is requesting 60 days to complete the exterior repairs to the property. Stated that there were some back taxes owed but thinks that they went away when they transferred the Sheriff's Deed but that the emergency board up of \$105.55 would be due.
- Owner The owner stated that according to the Sheriff's office, the title work has not been transferred yet due to a clerical error. Stated that he would be able to pay the emergency board up fee of \$105.55 in 30 days and the exterior repairs completed in 60 days, if he can obtain the proper permits.
- Council Member Brewer Council Member Brewer stated that we will give you 30 days to pay the back taxes and will have him contact the Director of Housing for her assistance and 60 days to complete the exterior repairs.
- Motion-- Brewer moved that the property located at (D) 1820 South Ellis, be given 60 days to complete the work and 30 days to pay the back taxes and the assessments that the City has and if they are not taken care of then the City is to proceed with staff's recommendation. Motion carried 6 to 0, (Fearey absent).
- carried

RESOLUTION NO. 05-352

A Resolution finding that the structure/s located on Lots 76 and 78, on Ellis Avenue, Strong's Addition to Wichita, Sedgwick County, Kansas, known as 1820 South Ellis is/are unsafe or dangerous and directing the structure/s to be made safe and secure or removed, presented. Brewer moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

ZOO BOULEVARD

IMPROVEMENT TO INTERSECTION OF ZOO BOULEVARD, WESTDALE AND I-235 FREEWAY. (DISTRICT VI)

- Jim Armour City Engineer reviewed the item.
- (Mayor Mayans momentarily absent, Vice-Mayor Schlapp in the chair)
- Agenda Report No. 05-0661
- The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Zoo Boulevard, Westdale and I-235 Freeway. District VI Advisory Board sponsored an August 2, 2004 neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.
- The project will modify the center medians along Zoo Boulevard to provide an additional northbound through lane and to provide a traffic signal interconnect between the 13th at Zoo Boulevard and I-235 at Zoo Boulevard intersections.
- The estimated project cost is \$365,000 with the total paid by the City. The funding source is General Obligation Bonds.
- The Law Department has approved the authorizing Ordinance as to legal form.
- Vice-Mayor Schlapp Vice-Mayor Schlapp inquired whether anyone wished to be heard and no one appeared.
- Motion-- Martz moved that the project be approved; the Ordinance placed on First Reading, and the signing of State/Federal agreements as required be authorized. Motion carried 5 to 0, (Mayans momentarily absent and Fearey absent).
- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 50

ORDINANCE

An Ordinance declaring the intersection of Zoo Boulevard, Westdale and I-235 freeway (472-83986) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

MAIZE/WESTPORT IMPROVEMENT TO INTERSECTION OF MAIZE AT WESTPORT. (DISTRICT V)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0662

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of Maize at Westport. District V Advisory Board sponsored an April 12, 2004 neighborhood hearing on the project. The Board voted 6-0 to recommend approval of the project.

The project will construct left turn lanes on Maize for north and southbound traffic at Westport. Landscaped medians will be installed on Maize. Construction is planned for this year,

The estimated project cost is \$300,000 with \$30,000 paid by the City and \$270,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Martz moved that the project be approved; the Ordinance placed on First Reading and the signing of
--carried State/Federal agreements as required be authorized. Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An Ordinance declaring the intersection of Maize Road at Westport (472-84244) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

PETITION PETITION TO CONSTRUCT A SANITARY SEWER TO SERVE AN AREA GENERALLY LOCATED SOUTH OF 13TH STREET, WEST OF DORIS. (DISTRICT VI)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 05-0663

The signatures on the Petition represent 4 of 5 (80%) resident owners and 67.46% of the improvement district area. District VI Advisory Board sponsored a June 6, 2005, neighborhood hearing on the project. The Board voted 7-1 to recommend approval of the Petition.

The project will construct a lateral sanitary sewer for a developed residential area that is currently served by private septic tank systems.

The estimated project cost if \$34,000, with total assessed to the improvement district. The method of assessment is the square foot basis. The estimated assessment to individual properties is \$00.30 per square foot of ownership.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 51

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the Petition be approved and the Resolution adopted. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 05-353

Resolution of findings of advisability and Resolution authorizing construction of Lateral 274, Main 5, Sanitary Sewer No. 22 (south of 13th, west of West Street) 468-84016, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans. (Fearey absent)

INCIDENT MANAG. NATIONAL INCIDENT MANAGEMENT SYSTEM. (ALL DISTRICTS)

Norman Williams

Police Chief Norman Williams reviewed the item.

Agenda Report No. 05-0664

On March 1, 2004, the Department of Homeland Security issued the National Incident Management System as a result of Homeland Security Presidential Directive 5, requiring the establishment of a consistent national approach for federal, state, local, and tribal governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. On September 8, 2004, the Department of Homeland Security notified state governors by letter that specific steps must be taken by all levels of government to implement the National Incident Management System as a prerequisite to receiving federal preparedness grant funding beginning in fiscal year 2006. As part of the requirement, state and local government must take steps to formally recognize and adopt National Incident Management System principles.

On April 19, 2005, Governor Kathleen Sebelius formally recognized the National Incident Management System at the state level by signing Executive Order 05-03. The Sedgwick County Emergency Management Director has drafted a resolution for the County Commission to follow suit and formally adopt the National Incident Management System. In the past two years, the City of Wichita has received in excess of 2.1 million dollars in preparedness funding from the federal government. Future year preparedness funding is directly tied to local governments taking formal steps to adopt the National Incident Management System.

Failure to adopt the National Incident Management System as the incident management system for responding to both manmade and natural disasters will have a negative impact on the City's ability to acquire preparedness funds from the federal government.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the resolution be adopted. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 05-354

A Resolution establishing the National Incident Management System, as the Incident Management System to be used for planning, responding, recovery and mitigation of both natural and manmade disasters within the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans. (Fearey absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 52

HUD PLAN

HUD CONSOLIDATED PLAN-SUBSTANTIAL AMENDMENT.

Mary K. Vaughn

Director of Housing Services reviewed the item.

Agenda Report No. 05-0665

Staff has prepared a substantial amendment to create a new activity that will provide assistance to a private for-profit business in the form of a loan guaranty to support an economic development activity. Staff has also prepared a pre-award request to HUD that will allow the City of Wichita to commit Community Development Block Grant (CDBG) funds prior to the effective date of the 2006/2007 and the 2007/2008 One Year Action Plans, to guarantee a bank loan for a grocery store project to be located at 13th and Grove. The store is being developed by Community Developers of Wichita, L.L.C., a for-profit entity related to POWER CDC.

The proposed CDBG substantial amendment is consistent with the 2004/2008 Consolidated Plan. The grocery store activity would advance the strategy to develop economic opportunities in low-income neighborhoods. This CDBG funding activity is eligible under CFR 570.203(b) as a special economic development activity creating jobs under CFR 570.209(b)(1)(i).

The pre-award request authorized under CFR 570.200(h) allows the City of Wichita to incur costs prior to the effective date of the grant agreements for 2006/2007 and 2007/2008.

The total development cost for the 13th & Grove grocery store project is estimated at \$2,070,000. The project will be funded from several sources. Commercial Federal Bank will provide a commercial loan in the amount of \$217,344; along with \$108,656 from the Wichita Biz Loan program; \$350,000 will be provided through the City's Tax Increment Financing program; and a \$750,000 HUD Economic Development Initiative Grant. If approved, a \$644,000 24-month gap loan at a rate of 1.75% plus the certificate of deposit rate, will be provided by Commercial Federal Bank. The gap loan will be guaranteed as herein proposed, by the City's Community Development Block Grant program for a period of 24 months. Community Developers of Wichita, L.L.C. will commit to repay the gap loan to Commercial Federal Bank within 24-month term and the City will commit to pay any balance at the end of the term. The City will also be required to place a \$644,000 Certificate of Deposit with Commercial Federal Bank for 24 months in case Congress does not fund the CDBG program during FFY 2007 and 2008. Upon completion of the 24-month term, the \$644,000 Certificate of Deposit plus interest earned will be returned to the City. Any amount paid from the CDBG guarantee will be secured by a property lien, subordinated to the commercial loan and the Wichita Biz Loan. If the property is sold or refinanced the unpaid balance of the commercial loan, Wichita Biz Loan and the CDBG loan will become due and payable in full at the time of the closing of the sale or refinancing. Approximately \$350,000 will be set aside from each of the City's 2006/2007 and 2007/2008 CDBG allocations to fully guarantee the principal and interest of the Commercial Federal Bank gap loan of \$644,000 made to Community Developers of Wichita, L.L.C.

HUD regulations require that citizens be allowed 30 days to comment on all substantial amendments to the City's Consolidated Plan. HUD regulations also require that citizens are to be advised of the extent to which pre-award costs will affect future grants. All citizen comments received will be presented to the City Council for consideration before the amendment is adopted. HUD must be notified of approved amendments to the Consolidated Plan before they can be implemented.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Martz

Council Member Martz stated that Council Member Fearey had called and asked that this item be deferred for one week because she would like to take part in this discussion.

Motion--failed

Martz moved to defer this item for one week. Motion failed due to lack of second.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 53

- Council Member Brewer Council Member Brewer stated that this item has to do with a grocery store that will be located in the northeast area and has been the topic of discussion for many years and the community has been questioning as to whether or not they would ever get a grocery store and we were successful in securing a business by the name of Save A Lot. Stated that last night the Northeast Redevelopment Plan was presented and will be coming before the Council and this was one of the number one priorities for part of the development and the need for that particular community. Stated that he sees no sense it delaying this and to go ahead so that we can let Save A Lot know whether or not we are going to proceed.
- Motion-- Brewer moved that a 30-day public comment period be authorized; the substantial amendment subject to citizen comments received be approved; staff authorized to submit a pre-award request to HUD, and the transfer of the \$644,000 Certificate of Deposit be authorized.
- Council Member Schlapp Council Member Schlapp asked if Council Member Fearey will have the right to have some discussion since there is a 30 day public comment period and hopefully she will have an opportunity to speak on this subject.
- Council Member Brewer Council Member Brewer stated yes and realizes that this will have a significant impact on CDBG funding that will come out of his district for the next year or two and having to be able to reimburse those dollars.
- Mayor Mayans Mayor Mayans stated that it will also have a significant impact in the community because this will be a tremendous help to be able to have a grocery store in the community so that people do not have to drive several miles to buy groceries and by offering this help to the community we are able to spur other economic development in this area. Stated it is the consensus of the Council to move forward and create this project in this community because it is much needed.
- carried Motion carried 6 to 0, (Fearey absent).

GO BOND/NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

Kelly Carpenter Director of Finance reviewed the item.

Agenda Report No. 05-0666

The City is offering for sale one series of general obligation temporary notes totaling \$66,180,000 (Series 214) and two series of general obligation bonds (Series 782 and 782A) totaling \$15,420,000 for the purpose of providing permanent financing for capital improvement projects of the City.

The proceeds from the sale of the Series 214 Temporary Improvement and Renewal Notes will be used to provide interim financing for City-at-large and improvement district projects. The proceeds from the sale of the Series 782 and 782A Bonds will be used to permanently finance neighborhood improvements located in special improvement districts.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the Finance Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 214 Temporary Notes will mature February 9, 2006, and will be retired using cash, the proceeds of both permanent financing bonds, and renewal notes issued at that time. The Series 782 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 782A Bonds will mature serially over twenty years and will be paid from special assessments that are levied against benefited property. The Series 782 Bonds will be callable in 2012 and the Series 778A Bonds will be callable in 2015 with a 1% call premium, in accordance with the City's debt management policy.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 54

Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions, which have been prepared by Bond Counsel.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Mayans moved that the opening and reading of the bids be directed; the sale of the Bonds and Temporary Notes; be awarded; to find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction; the Bond and Note Ordinances and Resolutions be adopted and the publication of the Bond and Note Ordinances be authorized. Motion carried 6 to 0, (Fearey absent).

--carried

RESOLUTION NO .05-365

A Resolution providing for the issuance of General Obligation Bonds, Series 782, of the City of Wichita, Kansas, in the total principal amount of \$13,810,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

RESOLUTION NO .05-366

A Resolution providing for the issuance of General Obligation Bonds, Series 782A, of the City of Wichita, Kansas, in the total principal amount of \$1,610,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; and making certain other covenants and agreements with respect to the bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

RESOLUTION NO .05-367

A Resolution authorizing and providing for the issuance of General obligation renewal and improvement temporary notes, Series 214, of the City of Wichita, Kansas, in the total principal amount of \$66,180,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; prescribing the terms and details of the notes; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

ORDINANCE NO. 46-621

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 782, of the City of Wichita, Kansas, in the total principal amount of \$13,810,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 55

ORDINANCE NO. 46-622

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 782A, of the City of Wichita, Kansas, in the total principal amount of \$1,610,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

ORDINANCE NO. 46-623

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 214, of the City of Wichita, Kansas, in the total principal amount of \$66,180,000 for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto.

2006/2007 BUDGET

2006/2007 ANNUAL OPERATING BUDGET.

Agenda Report No. 05-0667

In accordance with state law, the City submits the annual budget to the State for certification of each fund on or before August 25. The City of Wichita prepares a two-year rolling budget; however, only the first year of the two is officially adopted. The City also revises the current year budget. The revenue and expenditure budgets are prepared annually for each fund, and revised for the next two calendar years. The 2006/2007 Proposed Budget revises the current year (2005), proposes a budget for the ensuing fiscal year (2006) and projects a budget for the second succeeding year (2007).

The local operating budget totals approximately \$450 million (which does not include internal service funds, capital projects, grant funds, trust funds or interfund transfers) with a mill levy of 31.828 mills (21.828 for the General Fund and 10 for the Debt Service Fund). The 2006 Budget is balanced and does not require a mill levy rate increase for the twelfth consecutive year. Some highlights of the budget are:

- ü Does not require a mill levy increase.
- ü Continues to set aside \$1,000,000 annually for economic development incentives.
- ü An additional maintenance crew is included to enhance irrigation system maintenance.
- ü Additional funding for arts and to support cultural attractions.
- ü Security improvements to City Hall.
- ü Wireless technology enhancements for field staff.
- ü An employee and benefit package is included based on bargaining unit settlements, increased public safety pension contributions and increased health insurance.
- ü Funds 22 school resources officers, offset partially by a budgeted \$250,000 for 2005, \$284,150 for 2006 annual contribution from USD 259.
- ü Water and sewer rate increases of 6% and 7%, respectively, are projected in 2006, driven primarily by capital needs for water supply and sewage treatment improvements.

The proposed budget does not include a mill levy increase as presented.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 56

The 2006 City Budget calendar:

- ü July 12 – Official presentation of the proposed budget to the City Council.
- ü July 19 –City Council authorization of the publication notice (after which the mill levy may decrease, but may not be increased); receive public comment.
- ü August 1 – Receive public comment.
- ü August 8 – Official public hearing; adoption of the 2006 Annual Budget.
- ü August 25 – File the certified budget for all operating funds with the County Clerk.

George Kolb

City Manager stated that the purpose for this appearing on the New Business Agenda is to receive and file and that we could have discussion at this time but it would be very lengthy and we do have it scheduled for a full presentation this afternoon at the workshop. Stated that since there is no public hearing nor requirement for one at this time, he would recommend that the Council receive and file as noted.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried

Mayans moved that the 2006 Proposed Budget be received and filed. Motion carried 6 to 0, (Fearey absent).

PARKLAND

NORTH RIDGE VILLAGE ADDITION PARKLAND DONATION. (DISTRICT V)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 05-0668

The property known as the North Ridge Village Addition is a parcel of land proposed for development located at the southwest quadrant of K-96 and Ridge Road. This tract of land has been deemed an important habitat area by the Kansas Department of Wildlife and Parks (KDWP).

The developer, Kansas Bait and Tackle, and Mr. Jac Jensik, COF, LLC, have been mandated by the KDWP to mitigate a portion of this land in perpetuity for the protection of the Eastern Spotted Skunk, a known endangered species here in the state of Kansas.

In a letter dated May 27, 2005, an area known as Reserve "D" was proposed by the developer to be deeded as a donation to the City of Wichita as a means to meet requirements by KDWP to be governed as a conservation area. It was recommended that a mutual agreement between the City of Wichita and the KDWP be met to mitigate the displacement of wildlife habitat, due to the nature of the subject development. An access easement was recommended for City use for habitat management needs. The developer wishes to deed the land to the City of Wichita as parkland.

The area known as Reserve "D" is a 16.9-acre tract of the subject subdivision. The western portion of this property is traversed by the Big Slough and Little Slough Creeks and lies within the FEMA-defined floodway of these creeks. This particular zone of land is considered a highly valuable habitat to the Eastern Spotted Skunk.

Within the Reserve "D" area, two ponds have been proposed to provide fill soil for the development. The water features will become additional habitat for waterfowl and fish. The proposed ponds also meet the regulatory requirements of the state for groundwater protection. The area has been proposed by City staff to be managed as a "Wichita Wild" area and has received support from KDWP as a possible future fishery for area residents. The area known as Reserve "D" will be deeded to the City of Wichita and will add recreational value and opportunities for park enthusiasts. The addition of parkland addresses the strategies of the City's Strategic Plan and Visioneering to save land around waterways for conservation and greenways.

No capital costs, as the deed will be provided to the City at no expense to us. There will be minimal operational expenditures for maintenance as a "Wichita Wild" habitat area.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 57

The deed must be registered by the County as a parkland donation to the City with the caveat that the land be preserved in perpetuity as a conservation area. The City will be required to comply with the conditions set forth by the KDWP.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the land donation be accepted and the necessary signatures for the deed transaction be authorized. Motion carried 6 to 0, (Fearey absent).

PLANNING AGENDA

(Council Member Gray momentarily absent)

Motion--
--carried

Mayans moved that the consent Planning items 30 to 40 be approved as presented. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

CUP2005-28

CUP2005-28, ASSOCIATED WITH ZON2005-23-CREATION OF DP286 LILLIE OFFICE PARK COMMUNITY UNIT PLAN AND ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED SOUTH OF MAPLE AND WEST OF MAIZE ROAD. (DISTRICT V)

John Schlegel

Director of Planning reviewed the item.

Agenda Report No. 05-0669

MAPC Recommendations: Approve, subject to platting within one year and conditions (12-0).
MAPD Staff Recommendations: Approve, subject to platting within one year and conditions.
DAB Recommendations: Approve (9-0).

The applicant is requesting to create the Lillie Office Park Community Unit Plan on a 17.28-acre unplatted tract located south of Maple and west of Maize Rd. The applicant also is requesting a zone change for the subject property from "SF-5" Single Family to "GO" General Office.

The subject property is currently developed with a vacant school/church building. The existing building is proposed to be razed and the site redeveloped. The character of the area is low density residential. All of the surrounding properties are zoned "SF-5" Single Family and are developed with single family residences.

The applicant proposes to develop the subject property with uses permitted in the "GO" General Office zoning district, with the exception of residential uses, cemetery, correctional placement residence, golf course, group home, recycling collection station, hotel or motel, marine facility, parking area, asphalt or concrete plant and agriculture. The subject property is proposed to be divided into six parcels, with three of the parcels containing office development and the other three parcels containing open space and drainage retention ponds. A maximum of 234,890 square feet of floor area in a maximum of 12 buildings is proposed. A maximum building height of 35 feet is proposed. One access point to Maize Road is proposed, and no access points are proposed to Hidden Valley Road. Building setbacks of 35 feet are proposed along all street right-of-way and where the subject property abuts residential properties. Signs are proposed to be permitted per the Sign Code with one 96 square foot, 16-foot high monument sign permitted for each of the three parcels along Maize Road and with additional restrictions on off-site and portable signs, sign type and sign spacing. The screening wall requirement is proposed to be waived, with screening provided by evergreen vegetation or landscaped earth berms, including a 25-foot buffer provided along the north, west and south property lines to protect existing trees. Landscaping is proposed per the Landscape Ordinance, with the addition that landscaped street yards and parking lot screening and landscaping will be provided along the interior street. Light poles are proposed to be limited to 24 feet in height. Buildings are proposed to share a uniform residential architectural character with predominate exterior materials of brick, stone or stucco and building roofs that are compatible with typical residential construction.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 58

District Advisory Board V reviewed this request on June 6, 2005. Area residents reported concerns with: drainage, preservation of existing tree rows, size of setbacks, access and traffic impacts. DAB V recommended approval (9-0) subject to staff recommended conditions, and that they be given an opportunity to review the drainage plan and traffic improvements. The review is scheduled for July 11, 2005.

The Metropolitan Area Planning Commission (MAPC) reviewed the application on June 9, 2005, and recommended approval subject to the conditions contained in the staff report. No one was present to speak for or against the application other than the applicant.

Protest petitions equaling 55.15 percent have been submitted, triggering a three-fourths majority vote by the governing body to approve the request.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Martz moved that the findings of the MAPC be adopted; the zone change and CUP subject to the conditions of platting within one year and the recommended conditions be approved and the Planning Department be instructed to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds. Motion carried 6 to 0, (Fearey absent).

--carried

ZON2005-00020

ZON2005-00020-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL COMMERCIAL. GENERALLY LOCATED WEST OF SHERIDAN AND SOUTH OF MAPLE STREET. (DISTRICT IV)

Agenda Report No. 05-0670

MAPC Recommendations: Approve, subject to staff recommended Protective Overlay #157, (11-0).

MAPD Staff Recommendations: Approve, subject to recommended Protective Overlay #157.

DAB Recommendations: Approve, subject to recommended Protective Overlay #157, (8-0).

The applicant requests "GC" General Commercial zoning on a 0.5-acre site, currently zoned SF-5 Single-family. The proposed use is parking for an existing machine shop company, located south of Maple and west of All Hallows. The machine shop on the parcel north and west of the site was rezoned to GC in 1998; that rezoning resolved a non-conforming use and allowed for expansion of the machine shop. The current application area is developed with a single-family residence, the lot is larger than most surrounding residential lots. Northwest of the site, at the Maple/All Hallows intersection is an LC zoned automobile service garage. Further north, across Maple, is an SF-5 zoned middle school. South and east of the site are SF-5 zoned single-family residences.

At its regular meeting on June 9, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered and approved this request subject to the staff recommended Protective Overlay (PO). One residential neighbor spoke in opposition to this request. District Advisory Board (DAB) IV heard this request at their regular meeting on June 1, 2005. Residential neighbors from three surrounding properties expressed concerns about industrial traffic in the alley at this location. The DAB voted to approve the request, subject to the staff recommended Protective Overlay, plus a provision added to the PO requiring vacation of the alley.

Motion--

Mayans moved to concur with the findings of the MAPC and approve the zone change, subject to PO #157, and approve the first reading of the ordinance establishing the zone change. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2005-00020)

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 59

ZON2005-00017

ZON2005-00017-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF HARRY AND EAST OF WEBB. (DISTRICT II)

Agenda Report No. 05-0671

MAPC Recommendations: Approve, subject to staff recommendations (11-0).

MAPD Staff Recommendations: Approve, subject to platting within one year, dedication of 20 feet of right-of-way on Harry and dedication of access control on Harry, except for one opening.

DAB Recommendations: NA

The applicant requests "LC" Limited Commercial zoning on an unplatted 2.4-acre site, currently zoned "SF-5" Single-Family Residential, for a retail development. The application area is south of Harry and west of Webb Road, and is currently developed with a vacant single-family residence.

At its regular meeting on June 9, 2005, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered and approved this request. No members of the public spoke at that hearing on this request.

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change subject to the condition of platting within one year, subject to dedication of 20 feet of right-of-way on Harry, and subject to dedication of access control on Harry, except for one opening be approved and the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

--carried

ZON2005-00022

ZON2005-00022-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL TO GENERAL OFFICE. GENERALLY LOCATED SOUTH OF WATERMAN AND WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 05-0672

MAPC Recommendations: Approve, subject to staff recommendations (10-1).

MAPD Staff Recommendations: Approve, subject to replatting within one year.

DAB Recommendations: Not applicable.

The applicant requests a zone change from "TF-3" Two Family to "GO" General Office on a 0.15-acre platted tract located south of Waterman and west of Hillside. The subject property is two platted lots and is developed with a single-family residence. The applicant intends to convert the existing structure to an insurance office. The requested "GO" General Office zoning district will permit the proposed use of the subject property.

The surrounding area is characterized by primarily office uses along Hillside, with residential uses located on the interior properties beyond the Hillside frontage. Since the 1970s, most residential properties along the Hillside frontage between Douglas and Kellogg have been rezoned and replatted to transition from residential to non-residential uses. The properties to the north, south, and east are zoned "GO" General Office and are developed with office uses. The properties to the west are zoned "TF-3" Two Family and are developed with single-family residences.

The Metropolitan Area Planning Commission (MAPC) recommended approval subject to replatting. No neighboring property owners were present to speak about the case, and no protests have been received.

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change subject to replatting within one year be approved and the Planning Department be instructed to forward the ordinance for first reading when the plat has been recorded with the register of Deeds. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 60

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2005-22)

CUP2005-22

CUP2005-22-ASSOCIATED WITH ZON2005-21-CREATION OF DP285 HARBOR ISLE SOUTH COMMERCIAL COMMUNITY UNIT PLAN AND ZONE CHANGE TO SINGLE-FAMILY RESIDENTIAL, NEIGHBORHOOD RETAIL AND LIMITED COMMERCIAL. GENERALLY LOCATED EAST OF MERIDIAN FROM 42ND STREET NORTH TO 45TH STREET NORTH. (DISTRICT VI)

Agenda Report No. 05-0673

MAPC Recommendations: Approve, subject to staff recommendations, vote (11-0).

MAPD Staff Recommendations: Approve, subject to platting within one year and conditions.

DAB Recommendations: Approve zone change request and the community unit plan based on the staff recommendations including a guarantee of a deceleration lane on Meridian, vote (7-1).

The applicant proposes to create a commercial Community Unit Plan containing approximately 11 acres along the east side of Meridian from 42nd Street North to 45th Street North. The CUP would consist of two distinct parcels separated by a reserve area for residential development to the east. An area currently zoned "LC" would be rezoned "NR" Neighborhood Retail (Parcel 1) and "SF-5" Single-family Residential (area not included within the CUP). Parcel 2 would be rezoned from "SF-5" to "LC".

Parcel 1 (3.71 acres) would allow all uses allowed in the "NR" zoning district, including a community activity center, but excepting day care center, recycling collection station, asphalt or concrete plant, golf course or any conditional use. Parcel 2 (7.65 acres), would allow "LC" uses except cemetery, correctional placement residence, golf course, recycling collection station, car wash, construction sales and service, any industrial use, any agricultural use, theaters, bowling alleys, taverns and drinking establishments and conditional uses unless allowed by separate CUP amendment. No single use could be greater than 12,000 square feet except a grocery store or drug store. Restaurants can serve liquor only if food is the primary service and drive-through windows within 200 feet of residential lots are prohibited. No auto-serving uses (including vehicle repair, service, car washes permitted, and no overhead doors) would be permitted within 150 feet of residential zoning.

Requested ground signage is monument signage 150 sq. ft. in size, 20 feet height and spaced 150 feet apart, oriented to Meridian. Wall signs would be oriented to Meridian and limited to 50 sq. ft. in size per individual sign. No off-site or portable signs allowed.

Setbacks are 20 feet on the perimeter of the property. This requires affirmative approval by the governing body since it is below the standard CUP minimum setback of 35 feet. Similarly, screening walls are not shown on the perimeters of the commercial tracts. Maximum building coverage is 30%, floor area ratio is 0.35 and maximum building height is 35 feet. Three buildings would be permitted on Parcel 1 and five on Parcel 2. Buildings would share uniform architectural character; light poles would be similar or consistent and limited to 24 feet in height. The CUP requires a pedestrian plan connecting the buildings with 45th Street North and Meridian, internal cross-lot circulation and site plan approval of internal circulation.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 61

The surrounding area is primarily single-family residential development on lots oriented to lakes. The proposed CUP would adjoin a residential development with potential for zero-lot setbacks on one side of the dwellings. A church is located west of Meridian on "LC" property and the property to the south of the church is zoned "SF-5" but approved for a CUP with "LC" zoning, pending plat completion. A fire station and a church are located to the west and southwest. The property due south is zoned "MF-18" Multi-family Residential and is undeveloped. The property to the north is zoned "SF-5" and developed as Harbor Isle.

At the District VI Advisory Board meeting held June 6, 2005, DAB VI voted (7-1) to approve subject to staff recommendations, with the clarification that the traffic improvement to be required was a deceleration lane rather than a center turn lane. One DAB member expressed concerns about the reduced setbacks of 20 feet shown on the CUP. Staff discussed that the 35-foot CUP setback can be waived if it furthers the objectives of the comprehensive plan and good planning principles and the governing body includes findings to support this decision. Staff discussed that the 20-foot setback would be appropriate along Meridian and interior property lines when building elevation façades are not treated as the rear of the buildings or do not include outdoor work or storage areas, and that narrower setbacks encourage the buildings to be nearer to the street, which enhances the visual appearance, encourages the setback to be used for landscaping purposes, reduces the amount of parking lot area located between the street and buildings, and encourages pedestrian activity.

1. At the MAPC meeting held June 9, 2005, a memo supplementing the original staff report was provided. The memo included the accel/decel lane per plat requirements in place of a center turn lane, eliminated the request for narrower setbacks on the east property line adjacent to residential zoning, and clarified requirements for landscaping and screening to accommodate flexible screening rather than mandatory solid masonry wall as normally required by a CUP. Reasons to allow waivers setback and screening requirements were included in the findings. Adopt the findings of the MAPC and approve the zone change and CUP subject to the condition of platting within two years and the recommended conditions; instruct the Planning Department to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds; or

2. Return the application to the MAPC for reconsideration
MAPC voted (11-0) that the CUP be APPROVED subject to platting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2005-00021) subject to platting of the entire property within one year;
- B. APPROVE the Community Unit Plan (DP-285), subject to the following conditions:
 - 1. Add General Provision 14: Landscaping and screening for the site shall be required as follows:
 - A. Landscaped street yards, buffers, and parking lot landscaping and parking lot screening – shall be in accordance with the City of Wichita Landscape Ordinance.
 - B. A landscape plan shall be prepared by a Kansas Landscape Architect for the above referenced landscaping, indicating the type, location, and specifications of all plant material. This plan shall be submitted to the Metropolitan Area Planning Department for review and approval prior to issuance of any building permit(s).
 - C. A financial guarantee for the plant material approved on the landscape plan for that portion of the CUP being developed shall be required prior to issuance of any occupancy permit if the required landscaping has not been planted.
 - D. Screening shall be provided by (1) a solid masonry screening wall per UZC Art. III, Sec. III-C.2.b(2)(d), or (2) a berm six feet in height, or (3) landscaping provided at a rate of 1.5 times Landscape Ordinance requirements with at least 1/3 of the plant materials being evergreen, or (4) a combination of (1), (2) or (3); provided that said screening complies with the requirements of General Provision #13; or unless if the elevation facing the residential zoning district is designed as a front building façade, then a landscaped street yard requirement shall be substituted for the screening requirements of General Provision 14.D.
 - 2. Setbacks shall be 35 feet along the east property lines.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 62

3. Add to General Provision 8: "and pedestrian connections between buildings within the parcels and to the arterial sidewalk and, if desired, the adjoining reserves."
4. A guarantee for a accel/decel lane shall be provided at time of platting.
5. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
6. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
7. All property included within this CUP and zone case shall be platted within one year after approval of this CUP by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
8. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-285) includes special conditions for development on this property.
9. The applicant shall submit 4 revised copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC be adopted; the zone change and CUP subject to the condition of platting within one year and the recommended conditions be approved and that the Planning Department be instructed to forward the ordinance for first reading when the plat has been recorded with the Register of Deeds. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

--carried

ZON2005-00012

ZON2005-00012-ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO TWO-FAMILY RESIDENTIAL WITH A PROTECTIVE OVERLAY TO ADDRESS HEIGHT AND ARCHITECTURAL CHARACTER. GENERALLY LOCATED AT THE NORTHEAST CORNER OF WESTFIELD AND DUBON AVENUE. (DISTRICT V)

Agenda Report No. 05-0674

MAPC Recommendations: Approved (10-3).

MAPD Staff Recommendations: Denied.

DAB Recommendations: Approved (9-0).

The applicant is seeking TF-3 Two-family Residential zoning for a 0.48-acre platted vacant lot located at the northeast corner of Dubon and Westfield. The lot is currently zoned SF-5 Single-family residential, and is triangular in shape. The applicant proposed to develop the site for duplex uses. The Unified Zoning Code (UZC) defines a duplex as a lot used for "...two principal dwelling units within a single building." The code permits building heights up to 35 feet in TF-3, which is the same maximum height allowed in the SF-5 district. If the request were to be approved, the existing single platted lot would allow only one duplex structure with two living units or one single-family structure (permitted by right as TF-3 residential uses); however, it is possible to replat or lot split the existing 0.48-acre lot into smaller lots that could allow more than one structure. Even as currently zoned, the lot could be lot split into more than one single-family lot.

The lots to the east, north and west are all zoned SF-5 Single-family and developed with single-family residences on approximately half-acre lots. These homes appear to be well maintained. The lots located south of Dubon are zoned LC Limited Commercial and GC General Commercial and are vacant.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 63

The MAPC heard the case on April 28, 2005, and by a vote of 10-3 recommended approval. Citizens were present to speak in opposition. They cited concerns over: building height; the lack of a screening wall between the neighborhood and the commercial property located south of Dubon; impact the project will have on property values due to the increased density of the project; lack of architectural specificity regarding the project; and the introduction of duplex units in a totally single-family neighborhood.

District Advisory Board V first reviewed this request on May 2, 2005. At least one citizen was present who spoke in opposition, citing the need to maintain the single-family character of the area, and the desire for any buildings built on the site to fit in with the neighborhood's existing architectural styles and heights. DAB members voted to defer action on the case, and directed the applicant to consider a Protective Overlay (PO) to address neighborhood concerns. The applicant met with staff and developed a Protective Overlay that requires: All duplex buildings shall share similar architectural character, color, texture and materials as those already existing in the neighborhood (e.g. ranch or split level, gable or hip roof and wood or brick siding). Building height shall be limited to 25 feet. Prior to construction, the applicant shall obtain an approval letter from the Director of Planning stating that the proposed construction complies with the above stated conditions.

At the District Advisory Board meeting of June 6, 2005, the applicant agreed to the Protective Overlay, and the DAB recommended approval 9-0. Since the DAB meeting occurred after the MAPC meeting, the Protective Overlay was not presented to the MAPC, so they have not made a recommendation regarding the PO.

Protests were filed by two property owners. One was filed after the end of the 14-day time period and the other property was located beyond the 200-foot protest distance.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC be adopted; zone change, subject to Protective Overlay 158 be approved and the ordinance establishing the zone change be placed on first reading.

--carried

Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2005-00012)

ZON2000-00045

ZON2000-00045-EXTENSION OF TIME TO COMPLETE THE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF CENTRAL AND WEST OF TYLER. (DISTRICT V)

Agenda Report No. 05-0675

Staff Recommendation: Approve two-year extension of time to complete platting.

On November 14, 2000, the City Council approved a zone change request from "SF-5" Single-Family Residential to "LC" Limited Commercial on property located south of Central and west of Tyler. Approval of the zone change request was subject to the condition of platting the property within one year. Three platting extensions have been granted, as the applicant has proposed not to plat the property until there is a contract to sell the property. The latest extended platting deadline was May 14, 2005. The applicant indicates in the letter from their agent that additional time is needed to plat the property, as it has not been sold. Therefore, the applicant has requested an additional two-year extension of time to complete platting. Such an extension of time to complete platting requires City Council approval.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 64

Staff recommends that a two-year extension of time to complete platting requirements be granted to May 14, 2007. The City Council may deny the request for an extension of time to complete platting. Denying the extension would declare the zone change null and void and would require reapplication and rehearing if the property owner still desired a zone change.

No legal documents are required to enact the granting of the platting extension. The granting of a platting extension is indicated via letter to the applicant noting the extended platting deadline as granted by the City Council.

Motion--
--carried

Mayans moved that a two-year extension of time to complete platting to May 14, 2007 be approved. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

SUB2004-56

SUB2004-56-PLAT OF WINDRIDGE COURT, LOCATED ON THE EAST SIDE OF RIDGE ROAD AND SOUTH OF MACARTHUR. (COUNTY)

Agenda Report No. 05-0676

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (13-0)

This unplatted site, consisting of 12 lots on 10 acres, is located in the County within three miles of Wichita's city limits. The site is zoned SF-20, Single-Family Residential District.

Petitions, 100 percent, and a Certificate of Petitions have been submitted for future sewer and water facilities. A Restrictive Covenant was provided tying pairs of lots together, limiting each building site to one dwelling unit until the property is annexed and municipal water and sanitary sewer services become available. Since this site is within the noise impact area of Wichita Mid-Continent Airport, an Avigational Easement and Restrictive Covenant have been submitted. Private Protective Covenants and Restrictions have also been submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

The Certificate of Petitions, Restrictive Covenants, and Avigational Easement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

RESOLUTION NO. 05-355

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-90092 (east of Ridge, south of MacArthur) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Fearey absent)

RESOLUTION NO. 05-356

Resolution of findings of advisability and Resolution authorizing construction of Lateral 509, Southwest Interceptor Sewer (east of Ridge, south of MacArthur) 468-84051, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 65

SUB2005-43

SUB2005-43-PLAT OF PRAIRIE POINT SECOND ADDITION, LOCATED NORTH OF 37TH STREET NORTH AND WEST OF MAIZE ROAD. (DISTRICT V)

Agenda Report No. 05-0677

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This site, consisting of 12 lots on 3.92 acres, is a replat of 13 lots in Prairie Pointe Addition. The site is located within Wichita's city limits and is zoned SF-5, Single-family Residential District.

Petitions, all 100 percent, and a Certificate of Petitions have been submitted for paving, drainage, sidewalks, sanitary sewer, water distribution and paving improvements. Since this is a replat of a portion of the Prairie Pointe Addition, a Restrictive Covenant was submitted to provide for the continued sharing in the ownership and maintenance responsibilities of the previously platted reserves and parking strip.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

RESOLUTION NO. 05-357

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89974 (north of 37th street north, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

RESOLUTION NO. 05-358

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89951 (north of 37th street north, west of Maize) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

RESOLUTION NO. 05-359

Resolution of findings of advisability and Resolution authorizing construction of Lateral 2, Main 7, Northwest Interceptor Sewer (north of 37th street north, west of Maize) 468-83808, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

RESOLUTION NO. 05-360

Resolution of findings of advisability and Resolution authorizing construction of Lateral 3, Main 7, Northwest Interceptor Sewer (north of 37th street north, west of Maize) 468-83809, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 66

RESOLUTION NO. 05-361

Resolution of findings of advisability and Resolution authorizing constructing Pavement on Manchester from the north line of Lot 3, Block 3, to the north line of Lot 10 Block 3; and Havenhurst from the west line of Manchester to the west line of Lot 21, Block 4, Prairie Pointe Addition and a sidewalk to be installed along the west side of Manchester from the south line of Lot 32, Block 4 to the north line of Lot 30, Block 4, and the south side of Havenhurst from the east line of Lot 29, Block 4, to the west line of Lot 21, Block 4, (north of 37th street north, west of Maize) 472-84042 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

RESOLUTION NO. 05-362

Resolution of findings of advisability and Resolution authorizing constructing pavement on Rutgers from the north line of 37th street north to the north line of Lot 13, Block 2, Havenhurst from the east line of Lot 20, Block 4, to the west line of Lot 1, Block 5; Rutgers Court (2) adjacent to Lots 30 through 37 and 39 through 42, Block 1, and Waterside from Rutgers to the west line of Lot 29, Block 1, Prairie Pointe Addition; Westbrook from north line of Havenhurst to the north line of Lot 1, Block 1, Prairie Pointe 2nd Addition and a sidewalk to be installed along the north side of Waterside from the east line of Lot 12, Block 4, to the east line of Rutgers, the east side of Rutgers, from Waterside to Havenhurst, the south side of Havenhurst adjacent to Lots 17 through 20, Block 4, and the west side of Rutgers from 37th street north to Waterside (north of 37th street north, west of Maize) 472-84043 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

RESOLUTION NO. 05-363

Resolution of findings of advisability and Resolution authorizing constructing Asphalt Mat Paving Improvements on 37th street north from Maize Road to a point 1300 feet west of Maize Road (north of 37th street north, west of Maize) 472-84044 in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

SUB2005-44

SUB2005-44-PLAT OF HOME BANK AND TRUST ADDITION, LOCATED ON THE NORTHWEST CORNER OF 13TH STREET NORTH AND GREENWICH ROAD. (DISTRICT II)

Agenda Report No. 05-0678

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of two lots on 1.1 acres, is located within Wichita's city limits and is zoned LC, Limited Commercial District.

A Petition, 100 percent, and a Certificate of Petition have been submitted for sanitary sewer improvements. City water services are available to serve the site. In order to guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings, a Driveway Approach Certificate has been submitted. As requested by Traffic Engineering, a Cross-lot Access Agreement was submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within 30 days.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 67

The Certificate of Petition, Driveway Approach Closure Certificate and Joint Access Agreement will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolution adopted. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

RESOLUTION NO. 05-364

Resolution of findings of advisability and Resolution authorizing construction of Lateral 377 Four Mile Creek Sewer (north of 13th, west of Greenwich) 468-84050, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented.

Mayans moved that the Resolution be adopted. Motion carried 5 to 0. Yeas: Brewer, Martz, Schlapp, Skelton, Mayans. (Gray momentarily absent, Fearey absent)

VAC2004-00007

VAC2004-00007-REQUEST TO VACATE A PORTION OF PLATTED STREET RIGHT-OF-WAY, GENERALLY LOCATED SOUTHWEST OF HARRY STREET AND WEST STREET. (DISTRICT IV)

Agenda Report No. 05-0679

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant is requesting consideration to vacate the west 145-feet by 80-feet of the Bounous Street right-of-way (ROW) as dedicated in the Burnham Industrial Addition, located west of the Bounous Street and Nevada Street intersection. Bounous Street currently dead-ends into Lot 1, Sherwood Industrial Park III Addition (the applicant's property). There are no sewer lines or manholes in this portion of the Bounous Street ROW, but there is a water line. Westar has utilities in this portion of the ROW. The applicant owns the three abutting properties. The Burnham Industrial Addition was recorded on February 1, 1960. The Sherwood Industrial Park III addition was recorded on September 15, 1987.

The MAPC voted (9-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order, dedication of a utility easement and a restrictive covenant will be recorded with the Register of Deeds. Access for the Fire Department and all utilities must be provided.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

VAC2005-00014

VAC2005-00014-REQUEST TO VACATE A PORTION OF A PLATTED SETBACK, GENERALLY LOCATED ON THE NORTH SIDE OF DOUGLAS AVENUE MIDWAY BETWEEN ROCK ROAD AND WEBB ROAD. (DISTRICT II)

Agenda Report No. 05-0680

Staff Recommendation: Approve.

MAPC Recommendation: Approve (Unanimously).

The applicant, Hillside Christian Church, proposes to vacate a portion of the north 10-feet of the platted 30-foot front setback to construct a porte cochere. This will provide a roof projecting over the church driveway, in front of the entrance to the church, sheltering members getting in and out their vehicles as they leave or arrive at the church. The Unified Zoning Code's front setback for the "SF-5" zoning district is 25-feet. If the front setback was not platted, the applicant could have applied for an

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 68

Administrative Adjustment that would allow the setback to be reduced by 20%, i.e. reducing it to 20-feet. There is a single-family residence abutting the east side of the site, which has a platted 15-foot street side yard set back. There is an approximately 270-foot wide drainage easement west of the site. There are no platted easements, franchised utilities, sewer manholes, sewer or water lines within the platted setback. The Brookhollow Fourth Addition was recorded with the Register of Deeds on October 6, 1975.

The MAPC voted (13-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 5 to 0, (Gray momentarily absent, Fearey absent).

HOUSING AGENDA

Motion--
--carried

Inafay Grays-McClellan moved that the consent Housing Agenda item be approved as presented. Motion carried 7 to 0, (Fearey absent).

SECTION 8

SECTION 8 ADMINISTRATIVE PLAN REVISION.

Agenda Report No. 05-0681

The Governing Board of the Housing Authority must approve revisions to the Section 8 Administrative Plan before changes can be implemented. The revisions to the existing plan are requested in order to modify eligibility requirement for the Section 8 Housing Choice Voucher Homeownership Program.

Changes to the Section 8 Administrative Plan include eligibility requirements for the Section 8 Housing Choice Voucher Homeownership Program. The revisions include a requirement that Section 8 clients must participate in the Section 8 Family Self Sufficiency Program to be eligible for the Section 8 Housing Choice Voucher Homeownership Program. The Homeownership program allows Section 8 clients to utilize their rental assistance voucher for mortgage assistance toward purchasing a home.

Amendments are required or permitted in accordance with Rules and Regulations for Administration of Section 8 Housing Choice Voucher Homeownership Program.

Motion--
--carried

Mayans moved that the Housing Authority Board review and approve the revisions to the Section 8 Administrative Plan for the Section 8 Housing Choice Voucher Homeownership Program. Motion carried 7 to 0, (Fearey absent).

AIRPORT AGENDA

Motion--
--carried

Mayans moved that the consent Airport Agenda items be approved as presented. Motion carried 6 to 0, (Fearey absent).

PAVEMENT REHAB.

STREET SIDE PAVEMENT REHABILITATION-MID-CONTINENT DRIVE, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0682

The 2005 Capital Improvement Program (CIP) includes the rehabilitation of street side pavement.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 69

In order to address deteriorated pavement, Mid-Continent Drive been identified as needing rehabilitation.

The project is estimated to cost \$115,000, which will be funded with General Obligation Bonds paid with airport revenue.

The Law Department has approved the Authorizing Resolution as to legal form.

Motion--
--carried

Mayans moved that the project be approved; the resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. A-05-006

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Martz, Schlapp, Skelton, Mayans. (Fearey absent)

TAXIWAYS L, L-1

TAXIWAYS “L”, “L-1”, COMPASS PAD AND APRON CONSTRUCTION, EXTENSION OF TAXIWAY “H” AND “H-1”, WICHITA MID-CONTINENT AIRPORT.

Agenda Report No. 05-0683

The Wichita Airport Authority approved two projects for airfield pavement construction. Taxiway “L” Construction, Taxiway “J” Widening, Compass Rose Construction and related improvements were approved on October 21, 2003. Taxiway “H”, “H-1” and related improvements were approved on September 14, 2004. Professional Engineering Consultants was selected to provide engineering services for both projects.

Since the original project approvals in 2003 and 2004, several factors have developed which mandate increasing the programs’ dollar amounts. These factors include:

- Completion of a new airport master plan that recommends additional improvements;
- Combining Learjet existing taxiway infrastructure with other improvements committed by the City for job retention;
- Re-packaging and combining all improvements in a manner that enhances eligibility for FAA funding;
- Practicing new development strategies that make airport land better prepared to accommodate new tenant opportunities; and
- Incorporated an existing tenant’s improvements into projects as reimbursables so they can capitalize on economies of scale.

Subsequently, the program amount had to be adjusted to take these factors into consideration.

The combined projects’ total approved budget is \$2,800,000. It is now requested the projects be combined as one budget and an additional \$4,050,000 be approved for a total budget of \$6,850,000. Even with this increase in project amount, the Airport’s actual financial obligation has been reduced by re-defining the project and increasing federal eligibility. Funds are identified in the Capital Improvement Program (CIP) for airfield pavement.

A grant application will be prepared and submitted to the Federal Aviation Administration (FAA). An FAA grant, Passenger Facility Charges, and General Obligation bonds paid for with airport revenue will be used to fund the project. Any portion determined ineligible by the FAA would be funded with airport revenue and General Obligation bonds paid for with airport revenue. The airport tenant component will be 100% reimbursed by the tenant.

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 70

The Law Department has approved the Authorizing Resolution as to legal form.

Motion-- Mayans moved that the capital project budget adjustment be approved; the resolution adopted; the submittal of a grant application and receipt of funds be approved and the necessary signatures once FAA approval and funding is established authorized. Motion carried 6 to 0, (Fearey absent).
-- carried

RESOLUTION NO. A-05-007

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advanced by, the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated costs thereof; and the manner of payment of same, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Brewer, Gray, Martz, Schlapp, Skelton, Mayans, (Fearey absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Mayor Mayans Mayor Mayans requested reappointment of Inafay Grays-McClellan as the house member of the Housing Authority.

Council Member Brewer Council Member Brewer requested appointments of the following people to DAB I: Shontina Pickens-Tipton and Lavonta Williams.

Council Member Gray Council Member Gray requested to receive the resignation of Damon Burrows from DAB IV.

Council Member Schlapp Council Member Schlapp requested to appoint Don Anderson to the MAPC.

Council Member Martz Council Member Martz requested to appoint the following people to DAB V: David Almes, David Dennis, John Marker, Maurice Ediger, Andy Johnson, DeAnn Sullivan, Ann Welborn, Bob Bulman, Jerry Hoggatt and Steve Winslow.

Council Member Skelton Council Member Skelton requested that Gerry Herzberg be appointed to the Board of Code Standards and Appeals.

Motion-- Mayans moved that the board appointments be approved including the resignation of Damon Burrows.
--carried Motion carried 6 to 0, (Fearey absent).

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 12:00 p.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: potential litigation; legal advice, contract negotiations and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:40 p.m. and reconvene in the City Council Chambers of City Hall. Motion carried 6 to 0, (Fearey absent).
-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 184

JULY 12, 2005

PAGE 71

RECONVENE

The Council reconvened in the Council Chambers at 12:45 p.m.

Motion--
-- carried

Mayans moved to extend the Executive Session for an additional 15 minutes and to reconvene in the City Council Chambers at 1:00 p.m. Motion carried 5 to 0, (Martz not present and Fearey absent).

RECONVENE

The Council reconvened in the Council Chambers at 1:08 p.m. Mayor Mayans announced that no action was taken.

Motion--
-- carried

Mayans moved to close the Executive Session at 1:08 p.m. Motion carried 4 to 0, (Gray and Martz not present and Fearey absent)

Motion--
-- carried

Mayans moved to close the regular meeting at 1:09 p.m. Motion carried 4 to 0, (Gray and Martz not present and Fearey absent).

Adjournment

The City Council meeting adjourned at 1:09 p.m.

Respectfully submitted,

Karen Sublett
City Clerk

***Workshop followed in the first floor board room.**